N. J., F. D. 25801–25850

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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

25801–25850

[Approved by the Acting Secretary of Agriculture, Washington, D. C., November 19, 1936]

25801. Misbranding of ammonia water. U. S. v. Wilbur E. Crofton (Kight's Drug Store). Plea of guilty. Fine, $10. (F. & D. no. 33911. Sample no. 62477–A.)

This case involved ammonia water that was approximately 40 percent below the minimum strength required by the United States Pharmacopoeia.

On May 15, 1935, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District an information against Wilbur E. Crofton, trading as Kight's Drug Store, Washington, D. C., charging sale in the District of Columbia by said defendant in violation of the Food and Drugs Act, on or about May 10, 1934, of a quantity of ammonia water that was misbranded. The article was labeled in part: "Stronger Ammonia Water Poison * * * Sold by Kight's Drug Stores * * *, Washington, D. C."

The article was alleged to be misbranded in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia, and its own standard was not stated on the label.

The information also charged a violation of the Federal Caustic Poison Act, reported in notice of judgment no. 50 published under that act. On May 15, 1935, the defendant entered a plea of guilty, and the court imposed a fine of $10 for violation of both acts.

W. R. Gregg, *Acting Secretary of Agriculture.*

25802. Misbranding of Sulfo-Kresol-Tabs. U. S. v. Ehrhart & Karl, Inc. Plea of guilty. Fine, $50 and costs. (F. & D. no. 36941. Sample no. 19495–B.)

The label of this article misrepresented its formula and contained therapeutic and curative representations which were adjudged to be false and fraudulent.

On April 29, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Ehrhart & Karl, Inc., a corporation, Chicago, Ill., alleging shipment in violation of the Food and Drugs Act, as amended, on or about April 24, 1935, from Chicago, Ill., to Franklin, Ind., of a quantity of Sulfo-Kresol-Tabs which were misbranded. The article was labeled in part: (Bottle) "Prepared by Ehrhart & Karl Manufacturing Chemists * * * Chicago, Ill."

Analysis showed that the tablets contained oxyquinoline sulphate (slightly more than one-fourth grain per tablet) and lactose; no free sulphur and no cresol were found.

Misbranding of the article was charged (a) under the allegations that there were borne on the label attached to the bottle the statements, to wit, "Sulfo-Kresol-Tabs (C_5–H_6–N. SO.)"; that the said statement represented that the article contained sulphur and cresol and the formula indicated a preparation containing no oxyquinoline sulphate; that the article contained no sulphur nor cresol, and did contain oxyquinoline sulphate; that the aforesaid statements

were false and misleading; (b) under the allegations that the label bore statements regarding the therapeutic or curative effects of the article; that the said statements were false and fraudulent representations that the article was effective, among other things, as a treatment, remedy, and cure for inflammatory conditions, septicemia, and ulcerated throat.

It was also charged in the information that the article was misbranded under the Insecticide Act reported in notice of judgment no. 1453 published under that act.

On May 25, 1936, a plea of guilty having been entered, a fine of $50 and costs was imposed for violation of both acts.

W. R. GREGG, *Acting Secretary of Agriculture.*

25803. Misbranding of Turcosol 17. U. S. v. Turco Products, Inc. Plea of guilty. Fine, $100. (F. & D. no. 36037. Sample no. 26466–B.)

The labeling of this product bore curative and therapeutic claims that were adjudged to be false and fraudulent.

On January 17, 1936, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Turco Products, Inc., Los Angeles, Calif., alleging shipment in violation of the Food and Drugs Act as amended, on or about January 27, 1935, from Los Angeles, Calif., to Seattle, Wash., of a quantity of a product "labeled Turcosol 17" that was misbranded.

Analysis showed that the article consisted of calcium hypochlorite, sodium chloride, sodium carbonate, lime, and moisture.

Misbranding of the article was charged under the allegations that there were borne on the labels on the tin containers statements regarding the curative or therapeutic effects of the article; that the said statements were false and fraudulent representations that the article was effective, among other things, to prevent, correct and control poultry diseases, bronchitis, cholera, colds, roup, chickenpox, diphtheria, white diarrhea, and pneumonia.

It was further charged in the information that the article was misbranded under the Insecticide Act of 1910 and the Federal Caustic Poison Act. (See notice of judgment no. 1455 published under the Insecticide Act and notice of judgment no. 51 published under the Caustic Poison Act.)

On March 2, 1936, a plea of guilty having been entered, a fine of $100 was imposed for violation of the Food and Drugs Act.

W. R. GREGG, *Acting Secretary of Agriculture.*

25804. Misbranding of Spratt's Germicide and Spratt's Black Antiseptic Soap. U. S. v. Spratt's Patent (America) Ltd. Plea of guilty. Fine, $150. (F. & D. no. 35987. Sample nos. 1209–B, 1213–B.)

This case involved interstate shipments of Spratt's Germicide and Spratt's Black Antiseptic Flea Soap, the labeling of which contained false and fraudulent curative and therapeutic claims.

On October 17, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Spratt's Patent (America) Ltd., a corporation trading at Newark, N. J., charging shipment by said corporation on or about December 21, 1933, and September 12, 1934, from the State of New York into the State of California, of quantities of articles labeled "Spratt's Germicide" and "Spratt's Antiseptic Flea Soap", and alleging that the articles were misbranded in violation of the Food and Drugs Act as amended.

Analysis showed that Spratt's Germicide consisted of sodium hypochlorite, sodium chloride, sodium carbonate, sodium hydroxide, and water; and that Spratt's Black Antiseptic Soap consisted of sodium oxide (9.7 percent), fatty anhydride (80.1 percent), glycerin (2.2 percent), zinc oxide (0.4 percent), mercury biniodide (1.6 percent), carbon (2 percent), and water (4 percent).

The article described as "Spratt's Germicide" was alleged to be misbranded in that statements regarding its curative or therapeutic effects, appearing on the label, falsely and fraudulently represented that the article would be effective as a mouth wash for dogs in cases of fetid breath caused by bad teeth, gastritis, or distemper, and effective for sponging any pustular eruptions or removing discharges from the body.

The article described as "Spratt's Black Antiseptic Flea Soap" was alleged to be misbranded in that statements regarding its curative or therapeutic effects, contained in a circular shipped with the article, falsely and fraudulently represented that it would be effective as a disinfectant and germicide for the treatment of wounds and ulcers.

The information also alleged that the articles were misbranded under the Insecticide Act of 1910, as reported in notice of judgment no. 1456 published under that act.

On June 26, 1936, a plea of guilty was entered on behalf of the defendant corporation, and the court imposed a fine of $150 for violations of both acts.

W. R. Gregg, *Acting Secretary of Agriculture.*

25805. Adulteration and misbranding of Exserco Antiseptic Deodorant Disinfectant. U. S. v. Exterminating Service Co., Inc. Plea of guilty. Fine, $100 and costs. (F. & D. no. 36054. Sample nos. 23844–B, 23900–B.)

This product fell below its professed strength with respect to antiseptic and disinfecting properties, and bore on the labeling curative and therapeutic claims which were adjudged to be false and fraudulent.

On December 24, 1935, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Exterminating Service Co., Inc., Pittsburgh, Pa., alleging shipment by said company in violation of the Food and Drugs Act, as amended on or about April 9, 1934, from the State of Pennsylvania into the State of New York, of quantities of Exserco Antiseptic Deodorant Disinfectant that was adulterated and misbranded.

Analyses of samples showed that the article consisted essentially of soap, water, coal-tar neutral oils, and phenols.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to be an antiseptic and a disinfectant when used as directed; whereas it was not an antiseptic and was not a disinfectant when used as directed.

Misbranding was alleged for the reason that certain statements, designs, and devices regarding its therapeutic and curative effects, appearing on the bottle label, falsely and fraudulently represented that it was effective as an antiseptic and as a disinfectant; was effective as a treatment for hair and scalp; was effective as a douche; and was effective as a treatment and remedy for chapping, itching, and minor wounds.

The information also charged that the product was further adulterated and misbranded in violation of the Insecticide Act of 1910, reported in notice of judgment no. 1457 published under that act.

On April 13, 1936, a plea of guilty was entered on all counts and the court imposed a fine of $100 and costs for violations of both acts.

W. R. Gregg, *Acting Secretary of Agriculture*

25806. Misbranding of Gyptol. U. S. v. Folsom Extract Co., Inc. Plea of guilty. Fine, $10. (F. & D. no. 36950. Sample no. 36546–B.)

This case involved an interstate shipment of an article described as "Gyptol", the label of which bore a false and misleading representation regarding its antiseptic properties, and false and fraudulent representations regarding its curative and therapeutic effects.

On March 2, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Folsom Extract Co., Inc., Lynn, Mass., charging shipment by said corporation on or about July 18, 1935, from the State of Massachusetts into the State of New Hampshire, of a quantity of an article described as "Gyptol" which was misbranded in violation of the Food and Drugs Act as amended.

Analysis showed that the product consisted of soap, phenols, coal-tar neutral oils, and water.

The article was alleged to be misbranded in that the statement, "As an antiseptic * * * Teaspoonful to a quart of water * * * prevents infection", borne on the label, was false and misleading in that it represented that the article was an antiseptic when used as directed; whereas it was not an antiseptic when used as directed. The article was alleged to be misbranded further in that statements regarding its curative and therapeutic effects, appearing on the label, falsely and fraudulently represented that it would be effective to relieve pain, prevent infection, and quicken healing.

The information also alleged that the article was misbranded under the Insecticide Act of 1910, as reported in notice of judgment no. 1458 published under that act.

On August 17, 1936, a plea of guilty was entered to all counts, and the court imposed a fine of $10 on the counts charging violation of the Food and Drugs Act.

W. R. Gregg, *Acting Secretary of Agriculture.*

25807. Misbranding of Kloria. U. S. v. 290 Packages and 4 Dozen Packages of Kloria. Default decrees of condemnation and destruction. (F. & D. nos. 32210, 37221. Sample nos. 55655–B, 55656–B.)

These cases involved interstate shipments of an article described as "Kloria", the package and label of which contained false and fraudulent representations regarding the curative or therapeutic effect of the article with respect to various diseases and ailments.

On February 20 and 21, 1936, the United States attorney for the Northern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 290 packages and 4 dozen packages of Kloria at Chicago, Ill., alleging that the article was shipped in interstate commerce on or about September 18, October 31, November 18, and December 20, 1935, and January 2, 1936, by the Kloria Co., from Fort Wayne, Ind., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted of chloramine and salt.

The article in the lot of 290 packages was alleged to be misbranded in that statements regarding the curative or therapeutic effects of the article, borne on the bottle label and on some of the cartons, falsely and fraudulently represented that the article would be effective in the treatment of most skin diseases, and inflammations, sores, gum infections, pyorrhea, bleeding gums, sore throat, inflamed eyes, and dandruff. The article in the lot of 4 dozen packages was alleged to be misbranded in that statements regarding the curative or therapeutic effects of the article, borne on the bottle label and contained in accompanying circulars, falsely and fraudulently represented that the article would be effective in the treatment of most skin diseases and inflammations, gum infections, sore throat, dandruff, inflamed eyes; that it would by destroying germs in the mouth be effective in preventing infection of influenza, tonsillitis, diphtheria, measles, pneumonia, scarlet fever, infantile paralysis, spinal meningitis, typhoid fever, and tooth decay, and in preventing spread of colds and other diseases; that it would expedite the healing and arrest the spread of boils and other obstinate sores; that by destroying germs in the mouth it would be effective in curing tender, sore, and bleeding gums and in preserving the teeth; that it would be effective in destroying the infection and in expediting the healing of open sores, boils, carbuncles, and most kinds of ulcers, and in the treatment of eczema and dandruff, tonsillitis, and sore throat; that by destroying bacteria in the mouth it would prevent decay of and preserve the teeth, would prevent pyorrhea, tonsillitis, rheumatism, and other diseases, and would destroy all offensive odors arising from tooth decay, diseased gums, etc.; that it would be effective in the treatment of severe infections of catarrh and influenza, inflammation of the eyes, sties, discharge from the ear, bowel infection, and piles; that it would be effective as a disinfectant for vaginal douches and in the treatment of leucorrhea; and that it would be effective in the treatment of superficial varieties of dog mange and in preventing chicken cholera.

It was also alleged in the libel that the article was misbranded under the Insecticide Act of 1910, as reported in notice of judgment no. 1459 published under that act.

On April 29, 1936, no claimant having appeared, decrees of condemnation were entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25808. Misbranding of Wine Cod Liver Oil Extract, strychnine sulphate tablets, Grip Tablets C. T., nitroglycerin tablets, anti-asthmatic tablets, and Rhinitis Tablets C. C. T. U. S. v. Direct Sales Co., Inc. Plea of nolo contendere. Fine, $500. (F. & D. no. 27498. I. S. nos. 5026, 5042, 15765, 15768, 28458, 38153.)

The composition of these drug preparations differed from that declared on the labels, deficiencies in an important constituent having been found in each instance.

On July 11, 1932, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Direct Sales Co., Inc., Buffalo, N. Y., alleging shipment by it in violation of the Food and Drugs Act as amended, in the period from on or about December 8, 1930, to on or about July 14, 1931, from the State of New York into the States of Massachusetts, Maine, and Connecticut, of quantities of Wine Cod Liver Oil Extract, strychnine sulphate tablets, Grip Tablets C. T., nitroglycerin tablets, anti-asthmatic tablets, and Rhini-

tis Tablets C. C. T. which were misbranded. The articles were labeled severally in part, as follows: (Bottle) "No. 795 Wine Cod Liver Oil Extract * * * Manufactured by Direct Sales Co., Inc. Buffalo, N. Y."; (bottle) "Tablets Strychnine Sulphate C. T. 1/30 Grain"; (bottle) "No. 251 500 Tablets Grip C. T."; (bottle) "No. 492 1000 Hypodermic Tablets Nitro-Glycerine 1/100 grain"; (bottle) "No. 46 1000 Tablets Anti-Asthmatic (Hare)"; (bottle) "No. 478 5000 Tablets Rhinitis C. C. T."

Misbranding of the Wine Cod Liver Oil Extract was charged under the allegation that the bottle label bore the statements, "Wine Cod Liver Oil Extract" and "Each Fluid ounce represents: Cod Liver Oil 120 m.", and that the said statements were false and misleading in that the article was not wine of cod-liver-oil extract, in that each fluid ounce thereof did not represent 120 minims of cod-liver oil, and in that the said article contained no vitamin D, an essential constituent of cod-liver oil.

Misbranding of the strychnine sulphate tablets was charged under the allegation that the bottle label bore the statement, to wit, "Tablets Strychnine Sulphate * * * 1/30 Grain", and that the said statement was false and misleading in that each of said tablets did not contain 1/30 grain of strychnine sulphate, but did contain a less amount.

Misbranding of the Grip Tablets C. T. was charged under the allegation that the label bore the statement, to wit, "Tablets * * * Sodium Salicylate 3 gr.", and that the said statement was false and misleading in that each of said tablets did not contain 3 grains of sodium salicylate, but did contain a less amount.

Misbranding of the nitroglycerin tablets was charged under the allegation that the bottle label bore the statement, to wit, "Tablets Nitro-Glycerine 1/100 grain", and that said statement was false and misleading in that each of said tablets did not contain one one-hundredth of a grain of nitroglycerin, but did contain a less amount.

Misbranding of the antiasthmatic tablets was charged under the allegation that the bottle label bore the statement, "Tablets * * * Nitro-glycerine 1/200 gr.", and that the said statement was false and misleading in that each of said tablets did not contain one two-hundredth of a grain of nitroglycerin, but did contain a less amount.

Misbranding of the Rhinitis Tablets C. C. T. was charged under the allegation that the bottle label bore the statement, "Tablets Rhinitis * * * Quinine Sulphate 1–2 gr.", and that the said statement was false and misleading in that the said article was not rhinitis tablets and each of said tablets did not contain one-half grain of quinine sulphate, but did contain a less amount.

On March 12, 1936, a plea of nolo contendere having been entered, a fine of $500 was imposed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25809. Misbranding of East India Injection, Cholerine, and Bloodzone. U. S. v. 44 Bottles, 42 Bottles, and 285 Bottles of East India Injection, Cholerine, and Bloodzone, respectively. Default decree of condemnation, forfeiture, and destruction. (F. & D. nos. 28027, 28028, 28029. I. S. nos. 41947, 41948, 41949.)

False and fraudulent and therapeutic claims were made for these articles.

On April 20, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 44 bottles, 42 bottles, and 285 bottles of East India Injection, Cholerine, and Bloodzone, respectively, at Chicago, Ill., alleging that the articles had been shipped in interstate commerce on December 7, 1931, and March 29, 1932, by the East India Medicine Co., from St. Louis, Mo., to Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act. The articles were labeled in part, respectively: (Bottle) "East India Injection, A Venereal Medicine * * * It exercises a decidedly soothing and healing effect"; (bottle) "Cholerine * * * Gives prompt relief in Diarrhea, Cramp-Colic, Cholera Morbus, Summer Complaint * * * caused by digestive trouble, * * * checks running of the bowels and helps the restoration of normal conditions"; (bottle) "Bloodzone * * * A Tonic and Blood Medicine * * * for improving the quality of the blood."

Analysis showed that the East India Injection consisted essentially of a solution of berberine (0.35 percent), in water; that the Cholerine consisted of camphor (0.07 percent), capsicum extract, licorice extract, alcohol, sugar, and water; and that the Bloodzone consisted of extracts of plant drugs including licorice, sugar, alcohol, and water.

Misbranding of the articles was charged in that the bottle labels bore statements regarding the curative or therapeutic effects of the articles; that the statements represented that the articles were composed of or contained ingredients or medicinal agents or combinations effective, among other things, as remedies for the diseases, ailments, and afflictions mentioned upon the bottle labels; and that the said statements were false and fraudulent.

On May 19, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

W. R. Gregg, *Acting Secretary of Agriculture.*

25810. Misbranding of Kavatone and Kavatone Soft Mass Pills. U. S. v. Gray's Medicine Co., a corporation. Plea of guilty. Fine, $5. (F. & D. no. 28150. I. S. nos. 52317, 53106, 53107.)

False and fraudulent curative and therapeutic claims were made for these articles, and the package of one of them was without a statement of the quantity of its alcoholic content.

On March 24, 1933, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Gray's Medicine Co., a corporation, South Bend, Ind., alleging shipments by it in violation of the Food and Drugs Act as amended, on or about January 19, 1932, and on or about February 24, 1932, from South Bend, Ind., to Grand Rapids, Mich., and to Chicago, Ill., respectively, of quantities of Kavatone and Kavatone Soft Mass Pills which were misbranded. The articles were labeled in part: (Bottle) "Kavatone A Splendid Medicine of Proven Merit * * * Contains 3¾% by volume Isopropyl Alcohol * * * Gray's Medicine Co. South Bend, Ind."; (package) "Kavatone Soft Mass Pills * * * Gray's Medicine Company Makers of Kavatone Tonic South Bend, Indiana."

Analyses showed that the Kavatone consisted essentially of potassium iodide (0.44 gram per 100 cc), extracts of plant drugs including a laxative drug, small proportions of volatile oils including anise oil and methyl salicylate, isopropyl alcohol (3.7 percent by volume), glycerin, and water; and that the Kavatone Soft Mass Pills consisted essentially of plant drugs including a laxative drug.

Misbranding of Kavatone was charged (a) in that the labels of the bottles and cartons bore statements that were false and fraudulent representations that the article was effective, among other things, as a splendid medicine of proven merit in the promotion of general health; effective as Nature's own restorative; effective as a builder of strength; effective as a splendid system purifier; effective to give energy and to aid digestion; and effective as a treatment, remedy, and cure for rheumatism, stomach, kidney, liver, and impure blood; (b) in that the article contained alcohol and that the label and the carton failed to bear a statement of the quantity or proportion thereof in the article.

Misbranding of Kavatone Soft Mass Pills was charged in that the labels of the package and a circular enclosed in the package bore statements regarding the curative and therapeutic effects of the article, and that the said statements were false and fraudulent representations that the article was effective, among other things, to purify the inner system; and efficient as the natural and most effective stimulant to the bile-producing activity of the liver; effective to promote drainage of the gall bladder and bile passages; effective to stimulate and to tone up the liver so that it would produce and deliver into the intestinal tract the correct quantity and quality of bile; effective when used in connection with the Kavatone treatment to produce best results; and effective when used in connection with Kavatone to establish regularity of bowel movement.

On October 29, 1935, a plea of guilty having been entered, a fine of $5 was imposed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25811. Misbranding of Ray-X Water. U. S. v. 11 Cases of Ray-X Water. Decree of condemnation, forfeiture, and destruction entered upon abatement of the claim of the Ray-X Water Corporation through cancelation of its corporate charter. (F. & D. no. 30064. Sample nos. 36609–A, 36612–A.)

The name of this article erroneously implied that it was radioactive; and unwarranted therapeutic and curative claims were made for the article.

On April 8, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel, and on April 21, 1933, an amended libel praying seizure and condem-

nation of 11 cases of Ray-X Water at Downers Grove, Ill., alleging that the article had been shipped in interstate commerce, in part on or about March 17, 1933, and in part on or about April 1, 1933, by Ray-X Water Corporation [Ray-X Corporation], from Toledo, Ohio, to Chicago, Ill., consigned to Downers Grove, Ill., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Cases) "Ray-X Water."

Analysis of the article showed that it consisted of water containing small proportions of salts in solution and that it possessed no radioactivity.

Misbranding of the article was charged (a) in that there appeared upon the bottle label and in a circular enclosed in the package, a statement in which the article was named and described as "Ray-X Water", which statement was false and misleading, since the said statement implied that the article possessed radioactivity; whereas it did not; (b) in that statements on the bottle label and in the circular aforesaid represented that the article was effective as a cure or remedy in the treatment of tuberculosis, dropsy, fever, infection, burns, liver trouble, gallstones, arthritis, nervous breakdown, digestive disorders, anemia, low blood pressure, influenza, stomach trouble, abscessed kidney, jaundice, acute streptococcus infection, duodenal ulcer, gastric ulcer, prostate glandular trouble, superacidity, infected navel, sinus infection, and other diseases and disorders of the human body; and that the said statements were false and fraudulent.

On May 27, 1936, the corporate charter of the Ray-X Water Corporation, claimant, having been canceled, and the claim by that corporation having abated thereby, a decree of condemnation, forfeiture, and destruction was entered.

W. R. Gregg, *Acting Secretary of Agriculture.*

25812. Alleged misbranding of Calumet Herb Tea. U. S. v. Joseph E. Meyer, trading as the Indiana Botanic Gardens. Demurrer to information sustained and latter dismissed. (F. & D. no. 30343. Sample no. 28092–A.)

Allegedly unwarranted therapeutic and curative claims were made for this article.

On February 22, 1934, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Joseph E. Meyer, trading as the Indiana Botanic Gardens, Hammond, Ind., alleging shipment by him, in violation of the Food and Drugs Act as amended, on or about December 30, 1932, from Hammond, Ind., to Denver, Colo., of a package of Calumet Herb Tea which was alleged to be misbranded. The article was labeled in part: (Package) "Meyer Calumet Herb Tea, A Mild Laxative Tonic * * * The most important ingredients are Sacred Bark, German Cheese Plant, Senna, Mayapple, Colic Root, and Rocky Mountain Grape, which are noted for their value in temporary Constipation * * * Directions * * * If very constipated 1 or 2 cupfuls may be taken * * * Innumeral (sic) cases of Headaches, Lassitude, Nervousness, Aching Joints, Gas and Flatulency, a sense of Stuffiness and Loss of Appetite are due to a clogged condition of the bowels * * * By relieving Constipation many cases of Headache, Eye Strain, Rheumatism, Arthritis, Skin Eruption, Nervousness, Insomnia, High Blood Pressure, Catarrh, Sinus Trouble, Tonsilitis, Stomach, Intestinal and Kidney Disorder have been cleared up. One of the main causes of Cancer is constipation and the first requisite for the cure of Cancer is the banishing of Constipation.—From 'The Way to Health'. A Mild, Harmless Bowel Activator Contents 6 ounces."

Analysis showed that the article consisted of dried plant material including senna leaves, juniper root, cascara bark, fennel seed, licorice, mallow root, leaves, and flowers, and unidentified woody material.

Misbranding of the article was charged under the allegations that there appeared on the label of the package statements regarding the therapeutic and curative effects of the article; that the said statements were false and fraudulent representations that the article was effective, among other things, as a tonic; effective as a treatment, remedy, and cure for lassitude, nervousness, and aching joints; effective as a treatment for a sense of stuffiness and loss of appetite due to a clogged condition of the bowels; effective to arrest the clogging of the entire intestinal tract, the clogging of the circulation of the blood, the increased pressure on all the nerves and the reabsorption of the toxins and poisons, the pollution of the entire blood stream, the irritation of every nerve in the body, overtaxation of the heart, and interference with the normal function of every organ of the body due to constipation; effective as a preventive of every disease known to humanity traced to constipation; effective as a preventive of headache, eye strain, rheumatism, arthritis, skin eruption, nervousness,

insomnia, high blood pressure, catarrh, sinus trouble, tonsillitis, stomach, intestinal and kidney disorder due to constipation; effective as a cure for cancer caused by constipation; and effective as a bowel activator.

The defendant demurred to the information on the following grounds: (1) That the information was vague, obscure, and contradictory; (2) that there were not alleged therein sufficient facts to constitute an offense against the United States; (3) that the defendant was not fairly and sufficiently informed by the information of the charge that would be tried thereunder; (4) that a judgment upon a trial under the information would not protect the defendant against a subsequent prosecution for the same offense; (5) that the violation of the Food and Drugs Act alleged in the information was not clearly and definitely charged thereunder; (6) that no plan or scheme whereby an offense against the United States was to be committed was alleged in the information; (7) that by the information an attempt was made to charge an offense unknown to the laws of the United States.

On or about March 3, 1936, the demurrer was sustained, no written opinion being filed, and the information was dismissed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25813. Adulteration and misbranding of spirits of turpentine. U. S. v. 388 Bottles of Puretest Spirits of Turpentine. Default decree of condemnation, forfeiture, and destruction with costs, entered upon withdrawal by claimant of its answer. (F. & D. no. 33388. Sample nos. 7271–B, 7272–B.)

This article fell below the pharmacopoeial standard and its label bore inaccurate statements regarding its standard.

On September 4, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 388 bottles of Puretest Spirits of Turpentine at New York, N. Y., alleging that the article had been shipped on or about August 10, 1934, by the United Drug Co., from Boston, Mass., to New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottles) "Puretest Spirits of Turpentine."

Adulteration of the article was charged in that it was sold under a name recognized in the United States Pharmacopoeia; that it was not a volatile oil distilled from the oleoresin obtained from *Pinus palustris* Miller and other species of *Pinus* (family Pinaceae); that it was a product which was obtained in whole or in part by a distillation of pine wood; that it was not the volatile oil distilled from the oleoresin obtained from *Pinus palustris* and other species of *Pinus;* that the article differed in strength, quality, and purity from the pharmacopoeial specifications for spirits of turpentine.

Misbranding of the article was charged in that its label bore the statements, to wit, "Puretest Spirits of Turpentine * * * We guarantee the Puretest line of drugs and chemicals to meet the highest requirements of the government standard"; and that the said statements were false and misleading.

On April 30, 1936, the Liggett Drug Co., Inc., claimant, having withdrawn its answer, a decree of condemnation, forfeiture, and destruction with costs, was entered.

W. R. Gregg, *Acting Secretary of Agriculture.*

25814. Misbranding of abortion treatment. U. S. v. Edmund C. Bellwood (Bellwood Farms). Plea of not guilty. Tried to a jury. Verdict of guilty. Imposition of sentence suspended. Motion to set aside verdict overruled. Appealed to circuit court of appeals. Appeal dismissed as premature. (F. & D. no. 33854. Sample nos. 62322–A, 62409–A, 67564–A, 68447–A.)

This case involved a drug preparation the labeling of which contained false and fraudulent curative and therapeutic claims.

On March 8, 1935, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Edmund C. Bellwood, trading as Bellwood Farms, South Richmond, Va., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about April 21, 1934, from the State of Virginia into the State of Pennsylvania of an abortion treatment, which was misbranded. The information further alleged shipments of said article by said defendant from Virginia on or about April 20, 1934, into the

States of West Virginia and Vermont; and from Virginia on or about April 23, 1934, into the State of New York.

Analysis showed that the article consisted essentially of cornstarch, containing a very small amount of potassium permanganate.

The article was alleged to be misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, appearing in a circular shipped with the article, falsely and fraudulently represented that it was effective as a treatment for abortion and contagious abortion, and effective to correct nonbreeding.

The defendant having entered a plea of not guilty, the case was tried to a jury on April 11 and 12, 1935, and a verdict of guilty was returned. Imposition of sentence was suspended for a period of 3 years, conditioned that the defendant make no shipment of his preparation, or otherwise violate the Federal Food and Drugs Act or other criminal laws of the United States within that period. A motion to set aside the verdict having been overruled, the defendant filed an appeal to the Circuit Court of Appeals for the Fourth Circuit. On October 8, 1935, the appeal was dismissed as premature, without prejudice to the appellant to apply to the court below for the imposition of a sentence from which appeal could be properly taken.

W. R. Gregg, *Acting Secretary of Agriculture.*

25815. Misbranding of Katro-Lek. U. S. v. Katherine Wojtasinski trading as W. Wojtasinski Drug Co., and Walter Wojtasinski. Jury trial. Verdict of guilty as to both defendants on counts 1, 3, and 4. Total fines, $700. Katherine Wojtasinski placed under probation. Directed verdict of not guilty as to count 2. (F. & D. no. 33945. Sample nos. 58298–A, 67664–A, 67665–A, 67860–A, 67861–A, 67866–A, 67867–A.)

False and fraudulent curative and therapeutic claims were made for this article.

On May 13, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Katherine Wojtasinski, trading as W. Wojtasinski Drug Co., and Walter Wojtasinski, Boston, Mass., alleging shipment by them in violation of the Food and Drugs Act as amended, in the period from on or about February 19, 1934, to on or about April 20, 1934, from Boston, Mass., to Providence, R. I., to Scranton, Pa., and to New York, N. Y., of quantities of Katro-Lek which was misbranded. The article was labeled in part: (Bottle) "Katro-Lek * * * Alcohol 20% * * * Formula by W. Wojtasinski B. S., M. D., Dist'd By W. Wojtasinski Drug Co. Boston, Mass. U. S. A."

Analysis showed that the article consisted essentially of iron and ammonium citrate, extracts of plant drugs including a bitter drug and a laxative drug, beef extract, alcohol (20.8 percent by volume), sugar, and water.

Misbranding of the article was charged in that there was borne on the labels of the bottles and contained in a circular enclosed in the packages, statements regarding the therapeutic and curative effects of the article; that the said statements were false and fraudulent representations that the article was effective, among other things, as a treatment, remedy, and cure for gastritis, dyspepsia, and indigestion due to hyperacidity, ailments of the stomach, stomach trouble, general run-down condition, headaches, nervousness, stomach catarrh, catarrh of the stomach, stomach sickness, intense headache, stomach sufferings, chronic constipation, and gases in the stomach; and effective to increase red blood corpuscles, to promote health, strength, and energy, to regulate the digestive organs, to give tone to the body, and to increase weight.

The case was tried to a jury which returned a verdict of guilty against both defendants on counts 1, 3, and 4 of the information, in which counts misbranding of the article was charged under the foregoing allegations. A directed verdict of not guilty was ordered on count 2 of the information, in which the same charge was made but which involved a specific shipment which was the subject of that count alone, namely, the shipment made on or about February 19, 1934, from Boston, Mass., to Scranton, Pa.

On November 18, 1935, Walter Wojtasinski was sentenced to imprisonment for 2 months and was fined $600; Katherine Wojtasinski was fined $100 on count 1 and placed upon probation under counts 3 and 4.

On May 5, 1936, the sentence to imprisonment of Walter Wojtasinski was suspended.

W. R. Gregg, *Acting Secretary of Agriculture.*

25816. Misbranding of Dismuke's Famous Mineral Crystals. U. S. v. Famous Mineral Wells Water Co., a corporation, Ed E. Dismuke, and Leon Dismuke. Pleas of guilty. Fine, $100. (F. & D. no. 33804. Sample no. 41121–A.)

False and fraudulent curative and therapeutic claims were made for this article and its label bore an erroneous statement that it was the total dissolved mineral contents of a certain water.

On March 27, 1935, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Famous Mineral Wells Water Co., a corporation, Ed E. Dismuke, and Leon Dismuke, Mineral Wells, Tex., alleging shipment by them in violation of the Food and Drugs Act as amended, on or about August 28, 1933, from Mineral Wells, Tex., to Sioux City, Iowa, of quantities of Dismuke's Famous Mineral Crystals which were misbranded. The article was labeled in part: (Boxes) "Dismuke's Famous Mineral Crystals Made by Open Kettle Evaporation of the Natural Mineral Water Famous Mineral Water Co. Mineral Wells, Texas".

Analysis showed that the product consisted essentially of sodium sulphate crystals together with a small amount of magnesium sulphate.

Misbranding of the article was charged in that there were contained in a circular enclosed in the packages statements regarding the therapeutic and curative effects of the article; that the said statements were false and fraudulent representations that the article was effective, among other things, as a treatment, remedy, and cure for indigestion, auto-intoxication, bad complexion, stomach trouble, rheumatism, excess weight, ailments of man, constipation and its accompanying ills, high blood pressure, kidney trouble, arthritis, neuritis, diabetes, nervous indigestion, and liver and bladder trouble; effective as a treatment for each person's ailment; effective to give proper elimination; and effective to promote good health.

Misbranding was further charged in that there were borne on the carton and contained in a circular enclosed in the carton certain statements that represented that the article consisted of the total dissolved mineral contents of Famous Mineral Water, and that by addition of water to the crystals the mineral water was reconstituted; that the said article was not the total dissolved mineral contents of Famous Mineral Wells; that it was impure sodium sulphate or Glauber's salt, and that the addition of water to it produced only a sodium sulphate or a Glauber's salt solution; that the aforesaid statements borne on the carton and contained in the circular were false and misleading.

On April 28, 1936, plea of guilty having been entered, a fine of $100 was imposed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25817. Adulteration of Elixir Quinine, Iron & Strychnine E. D. C., Compressed Tablets Strychnine Sulphate 1/30 Grain, Compressed Tablets Strychnine Sulphate 1/40 Grain, Compressed Tablets Migraine, and Compressed Tablets Acetanilide & Salol; misbranding of Compressed Tablets Antiseptic (Gumston) and Compressed Tablets Acetphenetidin and Salol; and adulteration and misbranding of Compressed Tablets Acid Arsenous. U. S. v. Elmira Drug & Chemical Co., a corporation. Plea of guilty. Fine, $675. (F. & D. no. 33881. Sample nos. 41925–A, 48533–A, 55586–A, 58631–A, 58636–A, 58642–A, 58646–A, 58647–A, 59036–A.)

One of these articles failed to conform to formulary standard; five of them were inferior to their professed standards, and the labels of these five and of two others bore erroneous statements.

On July 8, 1935, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Elmira Drug & Chemical Co., a corporation, Elmira, N. Y., alleging shipments by said corporation, in violation of the Food and Drugs Act as amended, in the period from April 15 to October 12, 1933, from Elmira, N. Y., to various places in Pennsylvania, of quantities of Elixir Quinine, Iron & Strychnine E. D. C., Compressed Tablets Strychnine Sulphate 1/30 Grain, Compressed Tablets Strychnine Sulphate 1/40 Grain, Compressed Tablets Migraine, Compressed Tablets Acetanilide & Salol, Compressed Tablets Antiseptic (Gumston), Compressed Tablets Acetphenetidin and Salol, and Compressed Tablets Acid Arsenous, some of which were adulterated, others were misbranded, and one was both adulterated and misbranded. The articles were labeled in part: (Jug) "Elixir Quinine, Iron & Strychnine E. D. C. Each fluid ounce represents: Iron & Quinine Citrate 8 grs."; (bottle) "Compressed Tablets Strychnine Sulphate * * * Each Tablet Rep-

resents: 1/30 Grains"; (bottle) "Compressed Tablets Strychnine Sulphate * * * Each Tablet Represents: 1/40 Grains"; (bottle) "Compressed Tablets Migraine Each tablet represents Acetanilid 2 gr. Caffeine Citrate 1–2 gr."; (bottle) "Compressed Tablets Acetanilide & Salol * * * Salol 2–1/2 Grs."; (bottle) "Compressed Tablets Antiseptic (Gumston) * * * Mercury Cyanide 7–1/2 Grs."; (bottle) "Compressed Tablets Acetphenetidin and Salol Each Tablet Represents * * * Salol 2 1–2 gr."; (bottle) "Compressed Tablets Acid Arsenous * * * Acid Arsenous 1/60 Gr."

Analyses showed that the Elixir Quinine, Iron & Strychnine E. D. C. contained not more than 0.25 gram of anhydrous alkaloids per 100 cubic centimeters and no chlorides; that the Compressed Tablets Strychnine Sulphate 1/30 Grain contained not more than 0.027 grain of strychnine sulphate each; that the Compressed Tablets Strychnine Sulphate 1/40 Grain contained not more than 0.021 grain of strychnine sulphate each; that the Compressed Tablets Migraine contained not more than 1.81 grains of acetanilid, and not less than 0.56 grain of caffeine citrate each; that the Compressed Tablets Acetanilide & Salol contained not to exceed 2.21 grains of salol per tablet; that the Compressed Tablets Antiseptic (Gumston) contained not less than 10.03 grains of mercury cyanide each; that the Compressed Tablets Acetphenetidin and Salol contained not more than 2.13 grains of salol each; that the Compressed Tablets Acid Arsenous contained not more than 0.014 grain of arsenous acid each.

The Elixir Quinine, Iron & Strychnine E. D. C. was alleged to be adulterated in that it was sold under a name recognized in the National Formulary and differed from the standard of strength, quality, and purity as determined by the test laid down in the formulary in that (a) it yielded less than the number of grams of anhydrous quinine per 100 cubic centimeters required by the formulary standard; (b) it contained no ferric citrochloride and no quinine hydrochloride; and (c) it contained iron and quinine citrate, an ingredient not provided by the formulary for this product, and the standard of strength and quality of the article was not declared on its container.

The Compressed Tablets Strychnine Sulphate 1/30 Grain were alleged to be adulterated in that their strength and purity fell below the professed standard under which they were sold, in that each tablet contained less than one-thirtieth of a grain of strychnine sulphate, to wit, not more than 0.027 grain, that is, one thirty-seventh of a grain thereof.

The Compressed Tablets Strychnine Sulphate 1/40 Grain were alleged to be adulterated in that their strength and purity fell below the professed standard under which they were sold, in that each tablet contained less than one fortieth of a grain of strychnine sulphate, to wit, not more than 0.021 grain, that is, one-fiftieth of a grain thereof.

The Compressed Tablets Migraine were alleged to be adulterated in that their strength and purity fell below the professed standard under which they were sold, in that each tablet was represented to contain 2 grains of acetanilid and one-half grain of caffeine citrate; whereas each tablet contained not more than 1.81 grains of acetanilid and not less than 0.56 grain of caffeine citrate.

The Compressed Tablets Acetanilide & Salol were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, in that each tablet was represented to contain 2½ grains of salol; whereas each tablet contained not more than 2.21 grains of salol.

The Compressed Tablets Acid Arsenous were alleged to be adulterated in that their strength and purity fell below the professed standard under which they were sold, in that each tablet was represented to contain one-sixtieth of a grain of arsenous acid; whereas each tablet contained not more than 0.014 grain of arsenous acid, that is, one-seventieth of a grain thereof.

The Compressed Tablets Antiseptic (Gumston) were alleged to be misbranded in that the statement on the label, to wit, "Tablets * * * Mercury Cyanide, 7½ Grs.", was false and misleading in that each of said tablets contained not less than 10.03 grains of mercury cyanide.

The Compressed Tablets Acetphenetidin and Salol were alleged to be misbranded in that the statement on the label, to wit, "Compressed Tablets * * * Salol 2½ gr.", was false and misleading in that each of said tablets contained less than that number of grains of salol.

On January 20, 1936, a plea of guilty having been entered, a fine of $675 was imposed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25818. Misbranding of Ora-Noid. U. S. v. Henry Lutzenkirchen, trading as the Ora-Noid Co. Plea of nolo contendere. Fine, $50 and costs. (F. & D. no. 33992. Sample nos. 64286–A, 64682–A, 64913–A, 67864–A.)

False and fraudulent curative and therapeutic claims were made for this article.

On July 12, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Henry Lutzenkirchen, trading as the Ora-Noid Co., Chicago, Ill., alleging shipment in violation of the food and Drugs Act as amended, in the period from March 22, 1934, to June 13, 1934, to Milwaukee, Wis., and to New York, N. Y., of quantities of Ora-Noid which was misbranded. The article was labeled in part: (Can) "Ora-No'd Ora-Noid Co. Chicago * * * Do not fail to read the accompanying circular."

Analysis showed that the article consisted essentially of common salt, chalk, bicarbonate of soda and potash, phosphate of lime, soda and magnesium, sulphates of magnesium and potash flavored with cinnamon.

Misbranding of the article was charged in that there appeared on the cartons and labels of the cans statements regarding the therapeutic and curative effects of the article; that the said statements were false and fraudulent representations that the article was effective, among other things, as an oral prophylactic; effective to strengthen the gums and to keep them in condition; effective to strengthen all the tissues in the mouth including the tongue, the palate, the throat, and the mucous membranes on the inside of the checks; effective to keep the teeth, gums, tongue, mouth, and throat healthy; effective to expel germs, to draw the germs out of the crypts in the tissues, to flush out and expel bacteria hidden away in the crypts of the mouth and tongue, and to aid in the treatment of irritations of the membranes of the gums, mouth and throat including bad breath, and wherever the tissues of the mouth and its accessory organs are involved; and effective to exert a high osmotic pressure to draw the fluids out of inflamed tissues and to relieve congestion and help to restore the tissue to a normal healthy condition.

On May 27, 1936, a plea of nolo contendere having been entered, a fine of $50 and costs was imposed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25819. Misbranding of Dr. P. C. Sanderson's Indian Herbs of Joy and Blood Cleanser, and Sengarian Ointment, formerly called "Hungarian Ointment." U. S. v. Aschenbach & Miller, Inc., a corporation, and John F. Belsterling, its president. Plea of nolo contendere. Joint fine, $50. (F. & D. no. 34005. Sample nos. 10463–B, 10464–B.)

False and fraudulent curative and therapeutic claims were made for these articles. The label of one erroneously represented that it was an Indian product. The label of the other erroneously represented that it was of antiseptic efficacy and that particular use of it could be made with perfect safety.

On June 12, 1935, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Aschenbach & Miller, Inc., a corporation, Philadelphia, Pa., and John F. Belsterling, its president, alleging shipment by them in violation of the Food and Drugs Act as amended, from Philadelphia, Pa., to Wilmington, Del., of quantities of Dr. P. C. Sanderson's Indian Herbs of Joy and Blood Cleanser on or about March 28, 1934, and quantities of Sengarian Ointment, formerly called "Hungarian Ointment", on or about June 9, 1934, which articles were misbranded. The articles were labeled in part: (Box) "Dr. P. C. Sanderson's Indian Herbs of Joy and Blood Cleanser"; (box) "Sengarian Ointment Hungarian Med. Co. 400 N. 3rd St., Phila., Pa."; (carton) "Sengarian Ointment, Formerly Hungarian * * * For Drawing, Healing, Strengthening. Etc. * * * Aschenbach & Miller, Inc. 400 N. Third Street, Philadelphia, Pa."

Analysis showed that the Herbs of Joy consisted of ground crude drugs including aloe, cinnamon, and ginger; that the ointment was a dark-brown, sticky salve consisting of lead soap, rosin, and camphor. An examination of the ointment resulted in the finding that it was not antiseptic when used as directed.

Misbranding of the Herbs of Joy was charged in that the labels on the boxes bore, and a circular enclosed in the package contained, statements regarding the curative and therapeutic effects of the article; that the said statements were false and fraudulent representations that the article was effective, among other things, as a blood cleanser and health promoter; effective as a treatment, remedy, and cure for liver complaints, dyspepsia, rheumatism, malarial fevers, and

worms in children; effective as a treatment for fever and ague, and to remove the cause of fever and chills; and effective when used in connection with pure rye whisky as a treatment, remedy, and cure for weak lungs, blood spitting, and bad coughs. Misbranding of the Herbs of Joy was further charged in that the circular enclosed in the package bore the statement, to wit, "Great Indian Remedy" and that the labels on the boxes bore the statement, to wit, "Indian Herbs"; that the said article was not an Indian product; that the said statements aforesaid were false and misleading.

Misbranding of the Sengarian Ointment was charged in that the cartons bore and a circular enclosed in them contained statements regarding the curative and therapeutic effects of the article; that the statements were false and fraudulent representations that the article was effective, among other things, as a relief for bunions, and as a treatment for inward pains, lumbago, catarrh, gathered breast, sore nipples, felons, flesh wounds, deep-seated sores, carbuncles, cuts, boils, scrofulous sores, eczema, salt rheum, tetter, piles, and all skin eruptions; effective as healing and strengthening in the treatment for inward pains, open sores, rheumatism, synovitis, sciatica, lumbago, contractions and pain in chest, throat and back, cholera infantum, cholera morbus, and inflammation of bowels and stomach; effective as an agent for drawing out the inward soreness and inflammation, and to impart new strength and vigor to the parts affected; effective to reach the seat of the disease; effective as a treatment, remedy, and cure for all kinds of open sores, fresh wounds or old sores, and to draw to the surface poisonous fluid or matter; to heal the wounds and strengthen the tissues, and to leave the flesh in a healthy condition; effective as a treatment for rheumatism, synovitis, catarrh, lumbago, sciatica, erysipelas, cholera, inflammation of the bowels and stomach, or any inward pains, felons, gathered breasts, ulcers, abscesses, cholera infantum, cholera morbus, and chronic diarrhea; and effective to relieve croups and griping pains, to reduce inflammation of the stomach and bowels and restore them to healthy action.

Misbranding of the Sengarian Ointment was further charged in that the cartons bore the statement, to wit, "Sengarian Ointment is antiseptic"; that the circular enclosed in the package bore the statement, to wit, "It may be used on the most tender infant with perfect safety * * * Directions"; that the article was not antiseptic when used as directed and that it could not be used on the most tender infant with perfect safety; and that the aforesaid statements were false and misleading.

On September 6, 1935, a plea of nolo contendere was entered on behalf of the defendants, and the court imposed a joint fine of $50.

W. R. Gregg, *Acting Secretary of Agriculture.*

25820. Misbranding of Greendale Solution. U. S. v. Jacob Martin Haynes, trading as the Greendale Poultry Farms. Plea of guilty. Fine, $25. (F. & D. no. 34013. Sample no. 72284–A.)

This case involved a drug preparation the labeling of which contained false and fraudulent curative and therapeutic claims.

On July 1, 1935, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Jacob Martin Haynes, trading as the Greendale Poultry Farms, Macksville, Kans., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about June 6, 1934, from the State of Kansas into the State of Utah of a quantity of Greendale Solution which was misbranded.

Analysis showed that the article consisted of chlorinated lime containing 22.82 percent of available chlorine colored with a red dye.

The article was alleged to be misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, appearing on the carton and borne on the circular shipped with the article, falsely and fraudulently represented that it was effective as a powerful germicide, antiseptic, disinfectant, and tonic for poultry; effective as a germicide for poultry, stock, dairy and household whenever and wherever disease germs are present; effective as a preventive, treatment, remedy, and cure for white diarrhea, coccidiosis, cholera, roup, worms, diphtheria, chicken pox, canker, colds, European fowl disease and blackhead in turkeys; effective as a treatment, remedy, and cure for diarrhea in baby chicks; effective as a treatment, remedy, and cure for roup, worms, and coccidiosis in poultry; effective to increase egg production in poultry; effective as a preventive of all contagious and infectious germ diseases and

as a powerful intestinal and respiratory antiseptic; and effective as treatment, remedy, and cure for mange on dogs.

On September 24, 1935, the defendant entered a plea of guilty and the court imposed a fine of $25.

W. R. Gregg, *Acting Secretary of Agriculture.*

25821. Adulteration and misbranding of nitrous oxide. U. S. v. 15 Cylinders of Nitrous Oxide. Default decree of condemnation, forfeiture, and destruction of the contents of the cylinders. (F. & D. no. 35745. Sample no. 30390–B.)

This product contained a larger percentage of gases uncondensed at the temperature of liquid air than was permitted by the United States Pharmacopoeial standard.

On July 8, 1935, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cylinders of nitrous oxide at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about September 27, 1934, by Wall Chemicals, Inc., Detroit, Mich., from that place to Brooklyn, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Cylinder) "Nitrous Oxide."

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia.

The article was alleged to be misbranded in that the statement on the label, "Nitrous Oxide", was false and misleading.

On February 25, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction of the contents of the cylinders was entered.

W. R. Gregg, *Acting Secretary of Agriculture.*

25822. Adulteration and misbranding of Compressed T. T. Nitroglycerine, Tinct. Aconite, Coated Tablets Strychnine Sulphate, and Compressed Tablets Phenobarbital. U. S. v. Frost, Stephens Co., a corporation. Plea of guilty. Fine, $150. (F. & D. no. 35884. Sample nos. 28687–B, 28688–B, 29629–B, 29678–B.)

These articles were inferior to their professed standard; the labels of some bore erroneous statements regarding the quantities of their active ingredients, and the labels of others were misleading with respect to their potency.

On October 28, 1935, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Frost, Stephens Co., a corporation, Elmira, N. Y., alleging shipments by it in violation of the Food and Drugs Act as amended, in the period from January 1, 1935, to April 5, 1935, from Elmira, N. Y., to Troy and Rome, Pa., of quantities of Compressed T. T. Nitroglycerine, Tinct. Aconite, Coated Tablets Strychnine Sulphate, and Compressed Tablets Phenobarbital. The articles were labeled in part: (Bottle) "Compressed T. T. Nitroglycerine Each T. T. contains Nitroglycerine 1-100 gr."; (bottle) "Tinct. Aconite 3½ min Frost, Stephens Co. Elmira, New York"; (bottle) "Coated Tablets Strychnine Sulphate 1-60 Grain Poison"; (bottle) "Compressed Tablets Phenobarbital ½ Gr."

Analyses showed that the Compressed T. T. Nitroglycerine contained 24.0 percent of nitroglycerin in excess of the declaration; that the Tinct. Aconite was practically devoid of aconite activity; that the Coated Tablets Strychnine Sulphate contained 26.0 percent of strychnine sulphate in excess of the declaration; that the Compressed Tablets Phenobarbital contained an average excess of 11.5 percent of phenobarbital.

The Compressed T. T. Nitroglycerine Tablets were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, in that each of the tablets was represented to contain one one-hundredth of a grain of nitroglycerin; whereas each tablet contained more than one one-hundredth of a grain, to wit, not less than 0.0122 grain of nitroglycerin.

The Tinct. Aconite was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that each tablet was represented to have a potency equivalent to 3½ minims of tincture of aconite, when in fact it had little, if any, potency derived from tincture of aconite.

The Coated Tablets Strychnine Sulphate were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, in that each of the tablets was represented to contain one-sixtieth of a grain of strychnine sulphate; whereas each tablet contained more than one-sixtieth of a grain, to wit, not less than 0.021 grain (one-fiftieth of a grain) of strychnine sulphate.

The Compressed Tablets Phenobarbital were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, in that each tablet was represented to contain ½ grain of phenobarbital; whereas each tablet contained not less than 0.56 grain of phenobarbital.

The Compressed T. T. Nitroglycerine Tablets were alleged to be misbranded in that the statement borne on the bottle label, "Each T. T. Contains Nitroglycerine 1-100 gr.", was false and misleading in that each of the tablets contained more than one one-hundredth of a grain of nitroglycerin, to wit, not less than 0.0122 grain of nitroglycerin, that is, one-eightieth of a grain thereof.

The Tinct. Aconite was alleged to be misbranded in that the statement borne on the bottle label, "100 Tinct. Aconite 3½ Min", was false and misleading in that it represented that each tablet contained a potency equivalent to 3½ minims of tincture of aconite, when in truth each of said tablets had little, if any, potency derived from tincture of aconite.

The Coated Tablets Strychnine Sulphate were alleged to be misbranded in that the statement borne on the bottle label, "Tablets Strychnine Sulphate 1-60 Grain", was false and misleading in that each tablet was represented to contain one-sixtieth of a grain of strychnine sulphate; whereas each tablet contained more than one-sixtieth of a grain, to wit, not less than 0.021 grain of strychnine sulphate, that is, one-fiftieth of a grain.

The Compressed Tablets Phenobarbital were alleged to be misbranded in that the statement borne on the bottle label, to wit, "Tablets Phenobarbital ½ Gr.", was false and misleading in that each tablet contained more than one-half grain, to wit, not less than 0.56 grain of phenobarbital.

On November 22, 1935, a plea of guilty having been entered, a fine of $150 was imposed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25823. Adulteration of Compressed Tablets Amidopyrine, Novocain 1% Ampoules, and Solution Magnesium Sulphate. U. S. v. E. S. Miller Laboratories, Inc. Plea of guilty. Fine, $250. Execution of sentence to extent of $200 suspended for 3 years. (F. & D. no. 35938. Sample nos. 15243–B, 15524–B, 20468–B, 26268–B.)

The labels of these articles bore erroneous statements regarding their essential ingredients.

On March 26, 1936, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the E. S. Miller Laboratories, Inc., Los Angeles, Calif., alleging shipment by it in violation of the Food and Drugs Act as amended, in the period from on or about June 14, 1934, to on or about October 16, 1934, from Los Angeles, Calif., to Tucson, Ariz., The Dalles, Oreg., and Soda Springs, Idaho, of quantities of Compressed Tablets Amidopyrine, Novocain 1% Ampoules, and Solution Magnesium Sulphate which were adulterated. The articles were labeled in part: (Bottle) "Miller 1000 Compressed Tablets No. 364 Amidopyrine (Dimethylamino-Antipyrine) 5 Grains E. S. Miller Laboratories Incorporated Los Angeles U. S. A."; (carton) "50 Ampoules Sterile Solution Novocain (Metz) 1% Novocain * * *. H. A. Metz Laboratories Brand of Procaine"; (ampoule) "20 c. c. No. 91 Sterile Solution Magnesium Sulphate, 10% 31 Grains (2.0 Grams)."

Adulteration of the Compressed Tablets Amidopyrine was charged in that each of said tablets was represented to contain 5 grains of amidopyrine; that each tablet contained not more than 3.96 grains thereof; that the strength and purity of the tablets fell below the professed standard and quality under which they were sold.

Adulteration of the Novocain 1% Ampoules was charged in that the article was represented to contain 1 percent of novocain; that it contained more than 1 percent thereof, to wit, not less than 1.16 percent of novocain; that the strength and purity of the article fell below the professed standard and quality under which it was sold.

Adulteration of the Solution Magnesium Sulphate was charged in that 20 cubic centimeters of the article was represented to contain 10 percent of mag-

nesium sulphate, and 31 grains, or 2 grams, of magnesium sulphate; that 20 cubic centimeters of the article contained not more than 1.59 grams of magnesium sulphate, equivalent to 24.5 grains of magnesium sulphate; that 20 cubic centimeters of the said article contained not more than 7.94 percent of magnesium sulphate; that the strength and purity of the article fell below the professed standard and quality under which it was sold.

On April 13, 1936, a plea of guilty having been entered, a fine of $250 was imposed, but execution of the sentence to the extent of $200 was suspended for 3 years, conditioned that defendant comply with all food and drug laws.

W. R. Gregg, *Acting Secretary of Agriculture.*

25824. Adulteration and misbranding of tincture of aconite tablets. U. S. v. The Upjohn Co., a corporation. Plea of nolo contendere. Fine, $200. (F. & D. no. 35946. Sample no. 32141–B.)

The label of this article misrepresented its potency.

On October 16, 1935, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Upjohn Co., a corporation, Kalamazoo, Mich., alleging shipment in violation of the Food and Drugs Act as amended, on or about April 3, 1935, from Kalamazoo, Mich., to Chicago, Ill., of a number of bottles of aconite tincture tablets which were adulterated and misbranded. The article was labeled in part: (Bottle) "100 Tablets Aconite Tincture Each tablet represents 3½ minims Poison The Upjohn Company Kalamazoo, Mich."

Adulteration of the tablets was charged in that each of them was represented to possess a potency equivalent to 3½ minims of tincture of aconite; that each possessed a potency of not more than 1.45 minims of tincture of aconite; that the strength and purity of the tablets fell below the professed standard and quality under which they were sold.

Misbranding of the article was charged in that the labels on the bottle containing the tablets bore the statements, to wit, "Tablets Aconite Tincture" and "Each tablet represents 3½ minims"; that the said statements represented that each of said tablets possessed a potency equivalent to 3½ minims of tincture of aconite; that each of said tablets possessed a lesser degree of such potency; and that the aforesaid statements were false and misleading.

On December 2, 1935, a plea of nolo contendere having been entered, a fine of $200 was imposed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25825. Misbranding of Voxol. U. S. v. John H. Vernet, trading as Voxol Laboratories. Plea of guilty. Fine, $50 and costs. (F. & D. no. 35947. Sample no. 261–B.)

False and fraudulent therapeutic and curative claims were made for this article.

On October 2, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against John H. Vernet, trading as Voxol Laboratories, Oak Park, Ill., alleging shipment by him in violation of the Food and Drugs Act as amended on or about September 20, 1934, from Oak Park, Ill., to Denver, Colo., of a bottle of Voxol which was misbranded. The article was labeled in part: (Bottle) "Voxol Inhalant * * * Voxol Laboratories Oak Park Illinois."

Analysis showed that the article consisted essentially of a fixed oil containing volatile oils, including oil of eucalyptus and menthol.

Misbranding of the article was charged in that the label attached to the bottle bore the statements, to wit, "For immediate relief of Sinus, Asthma, Catarrh, Influenza, Hayfever, Colds, Pneumonia, Bronchitis, Croup, Diphtheria, Earache, Sore Throat, and all respiratory ailments when used with the Voxolator; and For all head disorders, inhale and exhale thru the nose, 10 to 15 minutes. For all Chest and Thoat Disorders inhale and exhale thru the nose for 5 minutes and then thru the mouth for 10 minutes. For all severe cases use 2 caps full of Voxol Inhalant"; that the said statements were representations regarding the curative or therapeutic effects of the article; that the said statements falsely and fraudulently represented that the article was effective, among other things, for the immediate relief of sinus, asthma, catarrh, influenza, hay fever, pneumonia, bronchitis, croup, diphtheria, earache, sore throat, and all respiratory ailments when used with the Voxolator; effective as a treatment, remedy, and cure for all head disorders when inhaled and exhaled

through the nose from 10 to 15 minutes; effective as a treatment, remedy, and cure for all chest and throat disorders when inhaled and exhaled through the nose for 5 minutes then inhaled and exhaled through the mouth for 10 minutes; and effective as a treatment, remedy, and cure for all severe cases of head disorders and all chest and throat disorders by using two caps full.

On April 20, 1936, a plea of guilty having been entered, a fine of $50 and costs was imposed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25826. Misbranding of Red Cross Brand Periodic Pills and S. P. Snyder's Tablets Prescription No. XX. U. S. v. Ernest E. Schneider trading as Snyder Products Co. Plea of guilty. Fine, $25 imposed and costs awarded against the defendant. (F. & D. no. 35950. Sample nos. 2404-B, 65478-A, 65479-A.)

False and fraudulent curative and therapeutic claims were made for these articles and their labels bore erroneous statements as to their harmful ingredients. The Periodic Pills were also falsely represented to be a pharmacopoeial product.

On October 17, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Ernest E. Schneider trading as Snyder Products Co., Chicago, Ill., alleging shipments by him in violation of the Food and Drugs Act as amended, on or about June 4 and 13 and July 11, 1934, from Chicago, Ill., to Royal Oak, Mich., of quantities of Red Cross Brand Periodic Pills and S. P. Snyder's Tablets Prescription No. XX which were misbranded. The articles were labeled in part: (Box) "Red Cross brand Periodic Pills a periodic Regulator Guaranteed to be made according to U. S. P. Standards Red Cross Medicine Co. Chicago, Illinois"; (box) "S. P. Snyder's Tablets Prescription No. XX * * * Made of U. S. P. Standard Ingredients Snyder Products Co. Chicago, Illinois."

Analyses showed that the periodic pills contained iron sulphate, plant material including a laxative drug, and a preparation of ergot, coated with sugar and calcium carbonate; that the S. P. Snyder's Tablets contained iron sulphate, plant material including a laxative drug, and a minute amount of alkaloid, coated with sugar and calcium carbonate.

The periodic pills were alleged to be misbranded (a) in that the box bore and a circular enclosed in the box contained false and fraudulent representations that the article was effective, among other things, as a regulator for menstrual periods, to correct obstinate and abnormal cases of delayed menstruation, and to establish a normal flow when the bowels are functioning normally; (b) in that the statement, to wit, "harmlessly", borne on the circular enclosed in the box, and the statement, to wit, "Guaranteed to be made according to U. S. P. Standards", borne on the said box, were false and misleading, in that the said article could not be administered harmlessly since it contained harmful ingredients, and that there was no standard for the article prescribed in the United States Pharmacopoeia.

The S. P. Snyder's Tablets were alleged to be misbranded (a) in that there was enclosed in the box a circular which contained false and fraudulent statements that the article was effective, among other things, to correct obstinate and abnormal cases of delayed menstruation, and to establish a normal flow when the bowels are functioning normally; (b) in that the statement, to wit, "harmlessly", borne on the circular aforesaid was false and misleading, in that the article could not be harmlessly administered and in that it contained harmful ingredients.

On January 16, 1936, a plea of guilty having been entered, a fine of $25 was imposed and costs were awarded against the defendant.

W. R. GREGG, *Acting Secretary of Agriculture.*

25827. Misbranding of Hygena. U. S. v. Lee W. Wiggins trading as Hygena Laboratories. Plea of nolo contendere. Fine, $50. (F. & D. no. 35951. Sample no. 6030-B.)

Unwarranted curative and therapeutic claims were made for this article and its label bore the erroneous statement that it was effective as an antiseptic.

On October 30, 1935, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Lee W. Wiggins trading as Hygena Laboratories, Atlanta, Ga., alleging shipment by him in violation of the Food and Drugs Act as amended, on or about November 17, 1934, from Atlanta, Ga.,

to Miami, Fla., of quantities of Hygena which was misbranded. The article was labeled in part: (Carton) "Hygena Powder Astringent * * * Hygena for the Chiropodist."

Analysis showed that the article consisted essentially of Epsom salt, boric acid, and ammonium alum, perfumed with volatile oils including oil of peppermint. A bacteriological examination showed that the article was not antiseptic.

Misbranding of the article was charged (a) in that a circular enclosed in the package contained statements regarding the therapeutic and curative effects of the article; that the said statements were false and fraudulent representations that the article was effective, among other things, as a relief for swollen and aching feet; effective for irrigating, swabbing, and dressing infected cases, to reduce inflammation, to control the infection of inflamed, irritated, and infected wounds, skin abrasions, and affections of the lining surface of the several natural cavities of the body, and to reduce swelling and allay inflammation; effective as a treatment, remedy, and cure for wounds, boils, sores, infections, hemorrhoids, eruptions of any kind, erosion, leucorrhea, and endocervicitis; effective to correct unpleasant personal odors by removing decaying waste material in the vagina, and to improve the general health of women; effective to allay inflammation of the gums, and as a treatment for soft, flabby, receding gums and after the extraction of teeth; effective as a treatment, remedy, and cure for stomatitis, gingivitis, pyorrhea, bleeding gums, Vincent's angina, and to allay the pain and soreness; effective as a treatment for spongy and receding gums and in cases associated with looseness of the teeth; and effective to promote a healthy condition of the gums and oral cavity; (b) in that a circular enclosed in the package contained the statements, to wit, "wherever an * * * Antiseptic is needed" and "as a vaginal douche; it is * * * antiseptic"; that the article was not antiseptic when used as directed; that the aforesaid statements were false and misleading.

On March 13, 1936, a plea of nolo contendere having been entered, a fine of $50 was imposed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25828. Adulteration and misbranding of Stardom's Hollywood Diet and Stardom's Health Diet. U. S. v. Hollywood Diet Corporation and George C. Riley. Pleas of guilty. Fines, $50 and costs. (F. & D. no. 35957. Sample nos. 62771–A (17172–B), 62773–A (15009–B), 62775–A (20652–B), 64684–A, 65442–A (2239–B), 71526–A (20653–B).)

These products were represented to be rich in vitamins but in fact were not rich in vitamins and contained no appreciable amounts of vitamins A, C, and D. The labels bore false and fraudulent curative and therapeutic claims. Certain shipments of the Hollywood Diet were short-weight.

On January 29, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Hollywood Diet Corporation and George C. Riley, Chicago, Ill., alleging shipment by them in violation of the Food and Drugs Act as amended, in the period from on or about October 6, 1933, to June 14, 1934, from the State of Illinois into the States of New York, Wisconsin, and Michigan of quantities of Stardom's Hollywood Diet and Stardom's Health Diet which were adulterated and misbranded. The articles were labeled in part, respectively, as follows: (Cartons) "Stardom's Hollywood Diet A Reducing Food Containing Vitamins A-B-C-D-E No Drugs No Laxatives A Pure Food Product * * * Hollywood Diet Corporation * * * Hollywood Chicago New York"; (cartons) "Stardom's Health Diet A Reducing Aid Containing Vitamins A-B-C-D."

Analysis showed that the articles consisted essentially of a large proportion of soybean flour, smaller proportions of cocoa, sugar, and salt. Biological examination showed that neither article contained any appreciable amounts of vitamins A, C, or D.

Adulteration of the products as drugs was charged under the allegations that they were represented to be products rich in vitamins and which contained vitamins A, C, and D; that they were not rich in vitamins and contained no appreciable amounts of vitamins A, C, and D; that their strength and purity fell below the professed standard and quality under which they were sold.

Adulteration of the products as foods was charged under the allegations that products not rich in vitamins and which did not contain vitamins A, C, and D in appreciable amounts had been substituted for products rich in vitamins and which contained vitamins A, C, and D, which they purported to be.

Misbranding of the Hollywood Diet as a drug was charged (a) under the allegations that there were borne on the cartons containing the article the statements, "Containing Vitamins A * * * C–D", "Vitamins A, * * * C, D,", and "Rich In Vitamins"; that circulars attached to the packages in one of the shipments contained the statements, "It contains effective quantities of Vitamins A * * * C, D", "containing Vitamins A * * * C, D", "Contains vitamins A * * * C, D", and "contained Vitamins A * * * C, D", that the article did not contain appreciable amounts of vitamins A, C, or D; that the said statements were false and misleading. Misbranding of the Hollywood Diet as a drug was further charged under the allegations (a) that the labels of the cartons in certain shipments bore statements regarding the curative and therapeutic effects of the article; that the said statements falsely and fraudulently represented that the article was effective as a method of weight control, and to ensure radiant health, and avoid vitamin starvation; effective as a vitalizer, normalizer, and slenderizer; effective as a treatment for overweight and acidity; effective to reduce normal healthy weight, to prevent sagging wrinkled skin, strained and tired look and feeling, and to prevent fat and cause fat to vanish; effective to convert into energy but not into fat; effective as a nerve and brain food; and effective to assist normal body activities in burning up existing fat as quickly as it can be safely done; (b) under the allegations that the cartons and circulars in one shipment bore statements regarding the therapeutic and curative effects of the article; that the said statements falsely and fraudulently represented that the article was effective to supply the system with vitamins A, C, and D; effective to eliminate surplus fat; effective to regain and retain slender, youthful figures; effective as a method of weight control; effective to maintain good health and to ensure normal healthy weight; effective in causing surplus fat to disappear to cause slenderizing, to be reducing by supplying nourishment without excess calories, and to mold the body into slender proportions; effective to burn up existing fat as quickly as it can be done safely; effective to cause flabby tissues to become firm and slender; effective as a treatment for ailments of the nervous system, and for those suffering from mental and nervous breakdown, and exhausted vitality; effective to ensure a healthy body, to prevent sagging, wrinkled skin and strained, tired look and feeling, and to reduce weight; effective as a treatment for obesity by causing surplus fat to vanish; effective to produce energy but not fat, to prevent danger to the heart, kidneys, and liver, to prolong life, and to cause bulgy, flabby lines to become firm and slender; effective to correct acid conditions, to prevent disease, and give the entire digestive system a much needed rest; and effective to promote normal growth and strengthen resistance to colds and similar infections, to prevent tooth decay and scurvy, to develop strong bones, to build strong bones and teeth, rich blood, and nerve tissue; to help regulate normal body activities, and to reduce unnecessary pounds.

Misbranding of the Health Diet as a drug was alleged under the allegations that a circular attached to each of the cartons bore the statements, "Contains vitamins A * * * C, D" and "containing Vitamins A * * * C, D", and that there were borne on the cartons the statements, to wit, "containing vitamens A * * * C–D" and "Rich in Vitamins"; that the article was not rich in vitamins and contained no appreciable amounts of vitamins A, C, or D; that the aforesaid statements were false and misleading. Misbranding of the Health Diet as a drug was further charged under the allegations that there appeared on the cartons and in a circular attached to the cartons statements regarding the therapeutic and curative effects of the article; that the said statements falsely and fraudulently represented that the article was effective to supply the system with vitamins A, C, and D; effective as a reducing aid and to eliminate surplus fat and as a method of weight control; effective to maintain good health, to cause slenderizing, and to be reducing by supplying nourishment without excess calories; effective to maintain the necessary reserve of the human body with nourishing elements that will not end in fat and to ensure radiant health; effective to cause slenderness and to banish fat; effective to produce energy but not fat, and to induce sleep; effective to prevent strain on the heart, kidneys, and liver and to prolong life; and effective to cause bulgy, flabby lines to become firm and slender.

Misbranding of the Hollywood Diet as a food was alleged (a) under the allegations that there were borne on the cartons the statements, "A Reducing Food containing Vitamins A * * * C–D * * * Stardom's instantly dispels hunger, as it supplies your system with food elements * * * such as Vi-

tamins A, * * * C, D, * * * Rich in Vitamins", that there were contained in circulars accompanying one of the shipments the statements, "A Reducing Food containing Vitamins A * * * C–D", "it supplies your system with Vitamins A * * * C, D", "a Pure Food Product containing Vitamins A * * * C, D", and "It contains effective quantities of Vitamins A * * * C, D", and in that there were borne on the cartons in certain shipments the statement, "Net Contents Seven Ounces"; that the article was not a reducing food, which contained vitamins A, C, and D; that it contained no appreciable amounts of the said vitamins, was of no value as a reducing food; that the cartons in certain shipments contained less than 7 ounces of the article; that the aforesaid statements were false and misleading; (b) under the allegation that the article in certain shipments was in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package. Misbranding of the Health Diet as a food was alleged in that there were borne on a circular attached to the cartons the statements, to wit, "Contains Vitamins A * * * C, D", and "a Pure Food Product containing Vitamins A * * * C, D", and that there was borne on the cartons the statements, to wit, "containing Vitamins A * * * C–D" and "Rich in Vitamins"; that the article contained no appreciable amounts of vitamins A, C, and D; that the aforesaid statements were false and misleading.

On February 14, 1936, pleas of guilty having been entered, fines totaling $50 and costs were imposed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25829. Misbranding of Kompo Bile Salts Tablets, and Oxidine. U. S. v. Joe W. Link (Dr. W. A. Link Medicine Co.). Trial by judge without a jury. Judgment of guilty. Fine, $300. (F. & D. no. 36019. Sample nos. 11337–B, 11340–B.)

False and fraudulent therapeutic and curative claims were made for these articles.

On November 9, 1935, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Joe W. Link trading as Dr. W. A. Link Medicine Co., Dallas, Tex., alleging shipment in violation of the Food and Drugs Act as amended, on or about August 25, 1934, from Dallas, Tex., to New Orleans, La., of a number of bottles of Kompo Bile Salts Tablets, and Oxidine which were misbranded. The articles were labeled in part: (Bottle) "Genuine Kompo Combined with Bile Salts Compound Easy To Take Tablets * * * The Kompo Co. Atlanta, Georgia"; (bottle) "Oxidine * * * Manufactured By W. S. Kirby Co. Dallas, Texas U. S. A."

Analyses showed that the Kompo Bile Salts Tablets contained small proportions of iron, calcium, and magnesium compounds, bile acid, extracts of plant drugs, and phenolphthalein (approximately one-half grain per tablet), and that the Oxidine consisted essentially of cinchona alkaloids (4.1 grains per fluid ounce), an iron compound, extracts of plant drugs including a laxative drug, sugar, and water.

Misbranding of the tablets was charged under the allegations that a circular enclosed in the package contained statements regarding the curative or therapeutic effects of the article; and that the statements were false and fraudulent statements that the article was effective, among other things, to end intestinal poisoning; effective as a treatment, remedy, and cure for headaches, coated tongue, bad taste, fetid breath, lack of appetite, gas, bloating, indigestion, heartburn, liver and kidney diseases, gallstones, heart trouble, hardening of the arteries, neuritis, chronic rheumatism, neurasthenia, insomnia, ulcers, cancer, sluggishness, depression, affections of the brain, muscles, and nerves and dyspepsia due to intestinal poisoning, and biliousness arising from constipation; and effective to give new energy, to keep vigor and vitality of youth; to secure freedom from disease and pain, and to insure a ripe old age.

Misbranding of the Oxidine was charged under the allegations that the cartons bore and a circular enclosed therein contained statements regarding the curative and therapeutic effects of the article, and that the said statements were false and fraudulent statements that the article was effective, among other things, to act on the liver; effective as helpful to the organism and to insure health; effective to guard men, women, and children against disease; effective as a treatment, remedy, and cure for tired feeling, pains in the back, flu and la grippe, dull feeling in the head, sleeplessness, bad taste in the mouth, head-

aches, neuralgia, biliousness, and loss of blood; effective to purify the blood, to regulate the liver, to build the system, and as a blood medicine; and effective as a treatment for almost everything.

On February 28, 1936, after trial by the judge without a jury, the defendant was found guilty and fined $300.

W. R. Gregg, *Acting Secretary of Agriculture.*

25830. Adulteration of tincture of iodine. U. S. v. McKesson & Robbins, Inc. Plea of nolo contendere. Fine, $100. (F. & D. no. 36041. Sample no. 15406–B.)

This article was sold under a name recognized in the United States Pharmacopoeia and fell below the pharmacopoeial standard.

On December 27, 1935, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against McKesson & Robbins, Inc., incorporated under the laws of Maryland, with a branch at Los Angeles, Calif., operating under the name of McKesson-Western Wholesale Drug Co., alleging shipment in violation of the Food and Drugs Act on or about January 3, 1935, from the State of California into the State of Arizona of a quantity of tincture of iodine which was adulterated. The article was labeled in part: (Bottle) "Tincture of Iodine, U. S. P., Alcohol 85%, * * * Sterling Laboratory, Los Angeles, U. S. A."

Adulteration of the article was charged under the allegations (a) that it was sold under a name recognized in the United States Pharmacopoeia; that said pharmacopoeia provided that tincture of iodine shall contain not less than 6.5 grams of iodine and not less than 4.5 grams of potassium iodide per 100 cubic centimeters; that the article contained not more than 5.32 grams of iodine, and not more than 4.26 grams of potassium iodide per 100 cubic centimeters; that the article differed from the standard of strength, quality, and purity as determined by the test laid down in the pharmacopoeia, and that the standard of strength, quality, and purity of the article was not declared on the container thereof; (b) that its strength and purity fell below the professed standard and quality under which it was sold in that it was represented to be tincture of iodine which conformed to the standard laid down in the United States Pharmacopoeia; whereas it was not.

On January 27, 1936, a plea of nolo contendere having been entered, a fine of $100 was imposed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25831. Adulteration and misbranding of strychnine sulphate tablets. U. S. v. Meyer Bros. Drug Co. Plea of guilty. Fine, $400 and costs. (F. & D. no. 36079. Sample no. 28367–B.)

These tablets contained strychnine sulphate materially in excess of the amount declared on the label.

On March 2, 1936, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Meyer Bros. Drug Co., a corporation, St. Louis, Mo., alleging shipment on or about May 3, 1935, from St. Louis, Mo., to Wilson, Ark., of a quantity of strychnine sulphate tablets which were adulterated and misbranded. The article was labeled in part: (Bottle) "500 Hypodermic Tablets Strychnine Sulphate 1–60 Grain * * * Meyer Brothers Drug Co. St. Louis, Mo. New Orleans, La. U. S. A."

Adulteration of the article was charged under the allegation that each of the tablets was represented to contain one-sixtieth of a grain of strychnine sulphate; that each tablet contained more than one-sixtieth of a grain of strychnine sulphate, namely, not less than 0.0225 grain (one forty-fifth of a grain) thereof and that the strength and purity of the article fell below the professed standard of quality under which it was sold.

Misbranding of the article was charged under the allegation that there was borne on the label attached to the bottle, the statement, to wit, "Tablets Strychnine Sulphate 1/60 grain"; that each of the tablets contained more than one-sixtieth of a grain; and that the aforesaid statement was false and misleading.

On May 9, 1936, a plea of guilty having been entered, a fine of $400 and costs was imposed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25832. Adulteration and misbranding of Novol Anestubes. U. S. v. 4 Boxes of Novol Anestubes, and other libel proceedings against the same article. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 36119, 36120, 36122, 36123, 36124. Sample nos. 31041–B, 31042–B, 31044–B, 31045–B, 31046–B.)

These cases involved Novol Anestubes (procaine epinephrine solution) which contained smaller amounts of procaine than declared on the label.

On August 12 and 13, 1935, the United States attorney for the Middle District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 14 boxes of Novol Anestubes No. 1, 10 boxes of Novol Anestubes No. 2, and 4 boxes of Novol Anestubes No. 3 at Scranton, Pa., alleging that the articles had been shipped in interstate commerce, between the dates of August 3, 1934, and July 5, 1935, by the Novocol Chemical Manufacturing Co., from Brooklyn, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The libels alleged that the articles were adulterated in that their strength fell below the standard and quality under which they were sold, viz, (portion) "Each cc contains procaine 0.02 gram"; (remainder) "Each cc contains procaine (Novol) 0.02 gram", a sample taken from each of the five shipments having been found to contain 1.81, 1.68, 1.89, 1.67, and 1.37 grams of procaine hydrochloride, respectively, per 100 cubic centimeters.

Misbranding was alleged for the reason that the following statements appearing in the labeling were false and misleading: (Carton of portion, top) "Each Anestube Approximately 2.5 cc Each cc contains (Novol) 0.02 gm.", (end) "2.5 cc", (circular of said portion) "Each cc contains—Procaine 0.02 gram"; (carton of remainder, top) "Each Anestube approximately 2 cc Each cc contains Procaine (Novol) 0.02 gm", (end) "2 cc", (circular) "Each cc contains Procaine 0.02 gram."

On March 16, 1936, the Novocol Chemical Manufacturing Co., claimant, having by petition and order of the court withdrawn its answers theretofore filed, judgments of condemnation were entered and it was ordered that the products be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25833. Misbranding of Congoin. U. S. v. 696 Packages, et al., of Congoin. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 36134, 36135, 36136. Sample nos. 15559–B, 15560–B, 32082–B, 32083–B, 32084–B.)

The labeling of this article bore false and fraudulent curative and therapeutic claims. The labeling of the 10-cent packages also contained misrepresentations as to its ingredients.

On August 16, 1935, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 2,463 12-ounce packages, 2,759 6-ounce packages, 5,183 3-ounce packages, and 1,376 dozen 10-cent packages of Congoin at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 19 and 20, 1935, by the Congoin Co., from Los Angeles, Calif., to Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Examination of the article showed that it consisted of the leaves of yerba maté, a caffeine-bearing plant.

Misbranding of the article in the 10-cent packages was charged in that the following statements on the envelope and in a circular within the envelope were false and misleading: (Envelope) "Congoin contains virtually all of the necessary organic minerals including calcium, phosphorus, sulphur, iron, magnesium, silica, and the others; it is also rich in chlorophyl and other important elements"; (circular) "It contains an infinitesimal amount of tannin when compared with tea; has less than one-fourtieth the essential oil found in coffee; green and black tea containing over 500 times as much essential oil as does Congoin. Congoin is rich in chlorophyl (the aid to red blood building) and analyses show it contains most of the essential minerals so heartily endorsed by modern medical science. * * * virtually every one of the necessary Organic minerals, including Calcium, Phosphorus, Sulphur, Magnesium, Manganese, Potassium, Iron, Sodium, Silica, Copper and the other rarer minerals are found in this palatable beverage."

Misbranding was charged with respect to the product in packages of all sizes for the reason that certain statements appearing on the envelopes and cartons in circulars shipped with the article falsely and fraudulently repre-

sented that it would stimulate and sooth, refresh and invigorate, insure sound and restful sleep, relieve distress after eating; that it was a vital necessity and was used extensively in hospitals and sanitariums; that it possessed health-giving properties; that it was the only stimulating beverage known that does not increase heart palpitation, create insomnia, nervousness, nor have any ill effect on the human system whatsoever; that it was beneficial to pregnant women and nursing mothers and to small children; that it would stimulate torpid nutrition and activate the bodily functions, induce a sense of well-being and increased intellectual lucidity and vigor; that it contained vitamins A, B, D, and E; that it was invaluable to everyone, but especially those who have heavy mental strain, nerve irritation, depression, the blues, acid stomach, neuritis, rheumatism, headache, constipation, indigestion, etc.; that it would maintain life, in the absence of other food, and would uphold it longer than any other substance; that it would stimulate the psychological function and the mind and that its use would not be followed by fatigue; that it would facilitate the function of the bowels and bladder, and that it was productive of virile vigor; that it was effective in cases of dyspepsia and other afflictions where tea and coffee are prejudicial; that it would lift the spirits, keep the muscular system in good condition, increase strength, make hardships more bearable; that it was a powerful brain stimulant with no after reaction; that it would produce enormous reserve force and power of endurance; that it was a solvent which would eliminate uric acid; that it was a perfect preventive for common ills; would directly feed the nervous system; that it was effective for stomach trouble; that it would tone up the system, dispel hunger, and release subconscious strength; that absolutely alone it would support life for weeks; that it would cause great activity of the peristaltic movements of the intestines, as well as a beneficial excitation of the gastric mucosa; that it would correct overeating and malnutrition; that it was the most nourishing and invigorating nervine so far known; that it would excite muscular strength, increase the action of the lungs and produce a feeling of well-being, of energy and mental lucidity; that it was a wonderful builder of the human system; that it would regulate fermentation in the digestive organs and increase assimilation, marvelously balancing the organic vigor of man; that it was a stomachic, laxative, and diuretic; that it would stimulate torpid digestion and speed up the organic functions; that it was a valuable aid or adjunct to any treatment or diet; that it would produce a healthier, heartier race; that it was endorsed by world authorities as of value in ailments due to mineral deficiencies or glandular disturbances such as obesity, blood disorders, rheumatism, asthma, stomach trouble, goiter, constipation, anemia, low vitality, nervousness, female disorders, pyorrhea, etc.; that it would eliminate fatness prejudicial to the beauty of the form; that it was effective for the anemic and underweight; and would aid digestion and assimilation.

On May 4 and June 24, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25834. Misbranding of An-Idin and Andre Stainless Iodine. U. S. v. 27 Packages of An-Idin and 24 Packages of Andre Stainless Iodine. Default decree of condemnation and destruction. (F. & D. nos. 36144, 36145. Sample nos. 36551–B, 36552–B.)

False and fraudulent curative and therapeutic claims were made for these articles. The label of one of them bore an erroneous statement as to the weight of the contents of its container.

On August 22, 1935, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 packages of An-Idin and 23 packages of Andre Stainless Iodine at Burlington, Vt., alleging that the articles had been shipped in interstate commerce on or about March 8, 1935, and June 17, 1935, by the Hygienic Supply Co., from Loudonville, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

The An-Idin was labeled in part: (Jar) "Sciatica Enlarged Glands Rheumatism * * * Skin Diseases * * * Etc."; (carton) "For the Relief of Pain * * * Rheumatism Lumbago * * * Arthritis Neuritis Sciatica Etc."; (circular) "Relieves Pain—Reduces Swelling. * * * Myalgia and Neuralgia are relieved promptly and positively. Pain lessens and ceases with rubbing of An-Idin over the affected part. Sciatica—Marked improvement is shown by the first inunction. Lumbago * * * Rheumatism—Rapid relief is

obtained by massaging An-Idin over joints and muscles. * * * Catarrh, etc.—Insert about the size of a pea on the little finger and rub it well up into each nostril two to five times daily." The Andre Stainless Iodine was labeled in part: (Jar) "Sciatica Enlarged Glands Rheumatism * * * Skin Diseases * * * Etc."; (carton) "Sciatica Enlarged G'ands Rheumatism * * * Skin Diseases"; (circular) "Relieves Pain Reduces Swellings * * * Muscular and chronic Rheumatism If the pain is severe rub in a little at a time for fifteen minutes directly over the seat of the pain and repeat in an hour until relieved, or apply freely and cover with lint. For Chronic Rheumatism and swollen joints massage freely each night. For Sore Throat or Croup, Andre Iodine should be applied freely and covered with flannel. Andre Iodine is indicated in diseases of the Skin especially those of a scaly nature. Removal of Exudations in Protracted Pleurisy. Andre Iodine should be applied to the affected part and covered with lint. Chronic Bronchitis, Gout, Intercostal Neuralgia, Goitre and other glandular enlargements. Exceptionally beneficial in reducing swollen glands of young children without irritation by local application."

Analyses showed that the articles consisted essentially of an iodine compound incorporated in petrolatum, perfumed with methyl salicylate; that they contained no free or uncombined iodine.

Misbranding of the articles was alleged in that the above-quoted statements were statements regarding the curative and therapeutic effects of the respective articles; that the articles contained no ingredients or combinations of ingredients capable of producing the effects claimed; that the aforesaid statements were false and fraudulent.

Misbranding of the An-Idin was charged further in that the statement "Net Contents 1 oz. av." was false and misleading since the average quantity of the contents of the packages was materially less than 1 avoirdupois ounce.

On January 15, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

W. R. Gregg, *Acting Secretary of Agriculture.*

25835. Adulteration and misbranding of ephedrine compound nasal ointment. U. S. v. 16 Dozen Tubes of Ephedrine Compound Nasal Ointment. Default decree of condemnation and destruction. (F. & D. no. 36427. Sample no. 49521–B.)

This ointment contained less ephedrine than declared on the label; it contained no benzocaine, an alleged ingredient, and it was also labeled with false and fraudulent curative and therapeutic claims.

On or about September 27, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16 dozen tubes, more or less, of ephedrine compound nasal ointment at Trenton, N. J., alleging that the article had been shipped in interstate commerce on or about December 12, 1934, by John Wyeth & Bro., Inc., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article contained, in addition to other ingredients, ephedrine hydrochloride in amounts varying from 0.13 to 0.34 grains of ephedrine hydrochloride per ounce, and that it contained no benzocaine.

The article was alleged to be adulterated in that its strength fell below the professed standard of quality under which it was sold, namely, (bottle and carton) "Ephedrine Hydrochloride ¾ gr. Ointment Base q. s. 1 oz."; (circular) "Benzocaine 10 grs. * * * Ephedrine Hydrochloride 1 gr. in each ounce."

Misbranding was alleged for the reason that the statements, (bottle and carton) "Ephedrine Hydrochloride 3/4 gr. Ointment Base q. s. 1 oz.", and (circular) Benzocaine 10 grs. * * * Ephedrine Hydrochloride 1 gr. in each ounce * * * Benzocaine is a local anesthetic which relieves the pain and intense itching incidental to acute nasal attacks", were false and misleading when applied to an article containing less than three-fourths of a grain of ephedrine hydrochloride and no benzocaine. Misbranding was alleged for the further reason that the following statement contained in the circular was a statement regarding the curative or therapeutic effects of the article and was false and fraudulent: "Benzocaine is a local anesthetic which relieves the pain and intense itching incidental to acute nasal attacks."

On November 20, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25836. Misbranding of Pfeiffer's Sore Throat Remedy. U. S. v. 100 Bottles of Pfeiffer's Sore Throat Remedy. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 36545. Sample no. 54010–B.)

False and fraudulent curative and therapeutic claims were made for this article.

On October 28, 1935, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of a quantity of Pfeiffer's Sore Throat Remedy at Reading, Pa., alleging that the article had been shipped in interstate commerce on or about May 31, 1934, from St. Louis, Mo., and charging misbranding in violation of the Food and Drugs Act. The shipment was made by the S. Pfeiffer Manufacturing Co., St. Louis, Mo.

Analysis showed that the article contained per 100 milliliters: 0.8 gram of ammonium chloride, 1 gram of potassium chlorate, 2.2 grams of sodium benzoate, water, and glycerin, flavored with methyl salicylate.

Misbranding of the article was charged under the allegations that the following statements appeared upon and within the package, (bottle) "Sore Throat Remedy for Tonsilitis, Hoarseness, Thrush, Sore Mouth, Ulcerated Sore Mouth", (carton) "Sore Throat Remedy for Tonsilitis, Hoarseness, Sore Mouth, Ulcerated Sore Mouth"; (translation from German) "Medicine for Throat Illnesses * * *"; that the aforesaid statements were representations regarding the curative and therapeutic effect of the article, and that they were false and fraudulent.

On November 19, 1935, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

W. R. Gregg, *Acting Secretary of Agriculture.*

25837. Misbranding of Lydia E. Pinkham Tablets. U. S. v. 33 Small Packages and 54 Large Packages of Lydia E. Pinkham's Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30714. Sample nos. 30486–A, 30487–A.)

Examination of the drug preparation Lydia E. Pinkham's Tablets disclosed that the article contained no ingredient or combination of ingredients capable of producing the curative or therapeutic effects claimed for it in the labeling.

On July 12, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 87 bottles of Lydia E. Pinkham's Tablets at Baltimore, Md., alleging that the article had been shipped in interstate commerce in various shipments on or about May 18, June 1, and June 12, 1933, by the Lydia E. Pinkham Medicine Co., from Lynn, Mass., to Baltimore, Md., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article showed that the tablets each contained 1½ grains of sodium monobenzylsuccinate and 2 grains of an extract of a plant drug such as viburnum.

It was alleged in the libel that the article was misbranded in that the package bore false and fraudulent representations regarding its effects in functional ailments of women such as irregular or suppressed menstruation, painful menstruation, and excessive menstruation. The detailed representations alleged to be false and fraudulent are essentially the same as those quoted in Notice of Judgment 25062.

On August 1, 1933, the Lydia E. Pinkham Medicine Co. appeared as claimant and filed an answer denying that the product was misbranded. On January 7, 1936, motion by the claimant for withdrawal of its answer having been granted, judgment of condemnation, forfeiture, and destruction was entered.

W. R. Gregg, *Acting Secretary of Agriculture.*

25837. Misbranding of Lydia E. Pinkham's Tablets. U. S. v. 33 Small Packages Diaplex. Default decree of condemnation, forfeiture, and destruction. (F. & D. nos. 36589, 36623. Sample nos. 40716–B, 45941–B.)

False and fraudulent curative and therapeutic claims were made for this article.

On November 1, 1935, the United States attorney for the Northern District of California, and on November 18, 1935, the United States attorney for the Western District of Washington, each acting upon a report by the Secretary of Agriculture, filed in his respective district court a libel praying seizure and condemnation of 98 cartons of Diaplex at San Francisco, Calif., and 39 packages of Diaplex at Seattle, Wash., alleging that the article had been shipped in interstate commerce in part on or about August 26, 1935, and in part on or about

October 7, 1935, from Denver, Colo., to San Francisco, Calif., by H. W. Pierce, from Denver, Colo., into the States of California and Washington, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of plant material, largely stems, with a small proportion of saltbush.

The article was alleged to be misbranded in that the following statements appearing in the labeling were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton of portion) "Diaplex * * * Diaplex for Diabetics * * * Use two to three heaping tablespoons full of Diaplex to each pint of water, then bring to a boil or percolate in a porcelain or eathern coffee percolator for ten minutes. * * * Always serve Diaplex fresh and hot (never luke warm or cold). A diabetic should drink at least two quarts of Diaplex daily, for from three to nine months. Also watch the urine test daily and you will be amazed at the results. * * * Persons using Diaplex with insulin should make the urine test daily, and as the pancreas increases its normal function, reduce the amount of insulin sufficiently to avoid insulin reaction. Only use enough insulin to take care of the surplus sugar, and eventually eliminate the insulin entirely. But continue the use of Diaplex until you are well and strong. Persons who have never used insulin, and not in coma, will find it unnecessary to do so. All that will be required is to adhere to a good diabetic diet and drink two quarts daily of Diaplex for a few months, and like thousands of others he too, will rejoice in the grand activity of good health and vigor"; (carton of remainder) "Diaplex * * * For those whose blood-sugar tests 125 M. M. per C. C. or over, use four heaping tablespoons of Diaplex to the quart of water and percolate ten to fifteen minutes. Always serve Diaplex hot, never ice cold or luke warm. Should the urine analysis show an increase of sugar, make blood test to determine cause. An Adult should use two quarts of Diaplex daily and a child one, for nine to eighteen months. Diaplex is a food and will never lower the blood sugar below normal. Therefore, a great amount is effective, small doses are worthless. * * * Notice Persons using Diaplex with insulin should make a urine test daily, and as the pancreas increases its normal function, reduce the amount of insulin sufficiently to avoid insulin reaction. Only use enough insulin to take care of the surplus sugar, but continue the use of Diaplex until you are well and strong. If we help you * * *."

No claimant having appeared in either case, a default decree of condemnation, forfeiture, and destruction was entered on November 19, 1935, in the district court for the Northern District of California, and on January 27, 1936, in the district court for the Western District of Washington.

W. R. Gregg, *Acting Secretary of Agriculture.*

25839. Misbranding of Hem-Roid. U. S. v. 432 Bottles of Hem-Roid, and two other libel proceedings against the same product. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 36617, 36667, 37819. Sample nos. 45577–B, 55210–B, 70498–B.)

The labeling of this product bore therapeutic and curative claims which were adjudged to be false and fraudulent.

On November 14, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 432 bottles of Hem-Roid at Chicago, Ill. On December 16, 1935, a libel was filed against 96 bottles of Hem-Roid at Denver, Colo., and on June 16, 1936, a libel was filed against 48 bottles of the product at Philadelphia, Pa. The libels alleged that the article had been shipped in interstate commerce, in various shipments on or about October 14 and 28, 1935, April 10 and May 8, 1936, and that it was misbranded in violation of the Food and Drugs Act as amended. Portions of the article were shipped by the Dr. Leonhardt Co., from Buffalo, N. Y., to Chicago, Ill., and Denver, Colo., and the remaining portion was shipped by the Walgreen Co., from Chicago, Ill., to Philadelphia, Pa.

Analysis showed that the article consisted essentially of extracts of plant drugs including aloe and nux vomica; a small amount of witch hazel was found in one sample.

The article was alleged to be misbranded in that the bottle label and carton bore and the circular enclosed in the package contained statements regarding the therapeutic or curative effects of the article; that the said statements falsely and fraudulently represented that the article was a palliative treatment for attacks of piles caused or aggravated by acute hepatic congestion, and,

in addition, carried tonic elements directed to helping Nature strengthen the involved tissues.

On February 1, February 14, and June 16, 1936, no claimant having appeared, default decrees of condemnation, forfeiture, and destruction were entered.

W. R. Gregg, *Acting Secretary of Agriculture.*

25840. Misbranding of Adams Vapour Ointment, Adams Menthol Salve, Adams Menthol Jell, and Adams Painon Liniment. U. S. v. 550 Jars of Adams Vapour Ointment, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. nos. 36636, 36637, 36638, 36639. Sample nos. 48045–B, 48046–B, 48047–B, 48049–B.)

False and fraudulent curative and therapeutic claims were made for these articles, and false and misleading antiseptic claims also were made for the menthol salve.

On November 22, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 667 jars of Adams Vapour Ointment, 910 jars of Adams Menthol Salve, 1,136 jars of Adams Menthol Jell, and 3,003 bottles of Adams Painon Liniment at Chicago, Ill., alleging that the articles had been shipped in interstate commerce on or about October 7, 1935, by the Adams Paper & Specialties Co., from Waterloo, Iowa, to Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act. The articles were labeled in part: (Jar) "Adams Vapour Ointment [or "Menthol Salve", "Menthol Jell", or "Painon Liniment"] Sold Exclusively by Adams Affiliated Cos. Waterloo."

Analyses showed that the vapour ointment consisted essentially of menthol, camphor, rosin, and petrolatum; that the menthol salve consisted essentially of menthol, rosin, and petrolatum (a bacteriological examination showed that it was not antiseptic); that the Menthol Jell consisted essentially of menthol, camphor, and white petrolatum; and that the Painon Liniment consisted essentially of petroleum oil, pine-needle oil, and sassafras oil.

The several articles were alleged to be misbranded in that the following statements appearing upon the labels of said articles of drugs, respectively, (Adams Vapour Ointment, jars) "* * * by increasing the circulation of the blood throughout affected area you will help to allay the inflammation and reduce the fever. * * * An Auxiliary Treatment for Certain Forms of Inflammation and Congestion such as Asthma Bronchitis Catarrh Chest Colds Sore Throat Croup * * * Boils * * * Pains"; (Adams Menthol Salve, jars) "Healing * * * for Cuts * * *"; (Adams Menthol Jell, jars) "Recommended for Nervous Headaches Muscular Rheumatism Nasal Catarrh * * *"; (Adams Painon Liniment, bottles) "Painon * * * Recommended by us in the treatment of Muscular Rheumatism, Lumbago, Stiff Neck, Neuralgic Headache, * * * Sciatica * * * Wind Colic, Muscular Cramp, Bronchial Cough, Spasmodic Croup, and Acute Pleurisy", were false and fraudulent in this that the said articles of drugs were not effective in the treatment of the diseases and conditions referred to therein.

The menthol salve was alleged to be misbranded further in that the following statement on the jar label thereof, "An * * * Antiseptic * * * Ointment", was false and misleading.

On February 3, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

W. R. Gregg, *Acting Secretary of Agriculture.*

25841. Misbranding of Genuine Kompo Combined with Bile Salts Compound Tablets. U. S. v. 353 Bottles of $1 size, and 1,186 Bottles of 50¢ size, of Genuine Kompo Combined with Bile Salts Compound Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 36640. Sample no. 41733–B.)

False and fraudulent therapeutic and curative claims were made for this article and it contained active ingredients other than the one mentioned on its label.

On November 19, 1935, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of quantities of Genuine Kompo Combined with Bile Salts Compound Tablets at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about September 3 and 12, 1935, by the Ironized Yeast Co., Atlanta, Ga., from that place to New Orleans, La., and charging misbranding in violation of the Food and Drugs Act. The dollar and 50-cent bottles both were labeled in part:

"Genuine Kompo Combined with Bile Salts Compound * * * Tablets * * * The Kompo Co. Atlanta, Georgia."

Analysis showed that the article was a tablet consisting essentially of bile salts, phenolphthalein (0.6 grain per tablet), small amounts of calcium, magnesium, iron, and aluminum compounds and a red sugar coating.

Misbranding of the article was charged (a) under the allegations that the bottle label and retail carton bore the designation, "Kompo Combined with Bile Salts Compound Easy to Take Tablets", that the wholesale carton and a circular enclosed in the retail carton bore the words "Kompo Bile Salts", and that the said designation and said words were false and misleading in that the article contained physiologically active ingredients other than bile salts; (b) under the allegation that a circular enclosed in the package of the article contained statements that were false and fraudulent, to wit, that the article was effective to end intestinal poisoning, overcome constipation, improve digestion, cause the quick disappearance of gas, bloating, heartburn and general dyspepsia, move the most constipated bowels promptly and gently, prevent the dangers of chronic constipation, gradually train the bowels back to normal functioning, instantly help in the proper digestion of every kind of food—proteins (meats, eggs, etc.), starches, sugars and fats—and that the physiological action of the article was exactly like that of the pepsin of the human stomach and the pancreatic juice of the human duodenum.

On February 22, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

W. R. Gregg, *Acting Secretary of Agriculture.*

25842. Misbranding of Gowans Preparation. U. S. v. 82 Jars of Gowans Preparation. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 36683. Sample no. 48633–B.)

False and fraudulent therapeutic and curative claims were made for this article.

On November 30, 1935, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 82 jars of Gowans Preparation at Charleston, S. C., alleging that the article had been shipped in interstate commerce on or about October 18, 1935, by the Gowan Chemical Co., from Baltimore, Md., into the State of South Carolina, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of volatile oils (32 milliliters per 100 grams) including methyl salicylate, camphor, eucalyptol, menthol, and turpentine oil, and phenol, incorporated in a fat such as lard.

Misbranding of the article was charged under the allegations that there appeared upon and within the package the statements regarding the curative or therapeutic effect of the article, "Pleurisy, Spasmodic Croup, * * * Coughs, Congestion and Inflammation * * * Pneumonia, * * * etc.", and that the aforesaid statements were false and fraudulent.

On January 27, 1936, no claimant having appeared, a default decree of condemnation and destruction was entered.

W. R. Gregg, *Acting Secretary of Agriculture.*

25843. Misbranding of B L & K R. U. S. v. 36 Bottles of B L & K R. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 36703. Sample no. 41774–B.)

False and fraudulent curative and therapeutic claims were made for this article and its label bore erroneous statements.

On December 6, 1935, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of a certain number of bottles of B L & K R at Birmingham, Ala., alleging that the article had been shipped in interstate commerce on or about November 5, 1935, by the B L & K R Medicine Co., North Chattanooga, Tenn., from that place to Birmingham, Ala., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottle) "B L & K R * * * A Tonic and System Regulator * * * B L & K R Medicine Co. North Chattanooga, Tenn."

Analysis showed that the article consisted essentially of Epsom salt, extracts of plant drugs, alcohol (4 percent), salicylic acid (0.2 percent) and water, flavored with methyl salicylate and colored with caramel.

The article was alleged to be misbranded in that the carton and bottle label bore, and circulars enclosed in the package contained, false and fraudulent statements that the article was effective as a tonic and system regulator, as an aid to digestion and assimilation, as a stimulant to the liver and kidneys in throwing off poisonous waste matter, as a stimulant to the intestinal tract, as a tonic for expectant mothers; and effective as a curative and therapeutic agent in the treatment of improper digestion, sour or gaseous conditions of the stomach, disturbances of the heart caused by such conditions, bilious attacks, sick spells, sleeplessness, rheumatism, rheumatic pains, grip, colds, sick headache, poor appetite, indigestion, sour stomach, and uneasy feeling after meals. The article was alleged to be further misbranded in that the statement on the carton, to wit, "Made largely from Herbs, such as Buchu, Dandelion, Prickly Ash, Sarsaparilla, Stilingia, Yellow Dock, and a number of other Ingredients of Therapeutic value", was false and misleading in that the product consisted largely of Epsom salt.

On January 16, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

W. R. Gregg, *Acting Secretary of Agriculture.*

25844. Misbranding of Alkavis. U. S. v. 9 Bottles of Alkavis. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 36721. Sample no. 41817–B.)

False and fraudulent curative and therapeutic claims were made for this article.

On December 11, 1935, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine bottles of Alkavis at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about May 4, 1934, by the Williams Manufacturing Co., from Cleveland, Ohio, and charging misbranding in violation of the Food and Drug Act as amended.

Analysis showed that the article consisted essentially of potassium nitrate, salicylic acid (0.22 gram per 100 milliliters), extract of a plant drug, glycerin, and water.

The article was alleged to be misbranded in that the following statements appearing in the labeling were statements regarding the curative and therapeutic effects of the article and were false and fraudulent: (Bottle and carton) "For Kidneys Liver & Urinary Organs-and-Blood Impurities Due to Defective Action of the Kidneys-and-Rheumatism"; (carton only) "For Rheumatism * * * For The Kidneys, Liver and Urinary Organs."

On January 16, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

W. R. Gregg, *Acting Secretary of Agriculture.*

25845. Adulteration and misbranding of Alcothol-Rub. U. S. v. 3 Gross Bottles of Alcothol-Rub, and another libel proceeding against the same article. Default decree of condemnation, forfeiture, and destruction in each case. (F. & D. nos. 36792, 36923. Sample nos. 44035–B, 50470–B.)

The label of this article misrepresented its composition, bore an erroneous statement concerning the opinion thereon of the medical profession, and was without a statement of the quantity of alcohol in the article. With respect to one of the shipments referred to here, the article was sold under a professed standard to which it did not conform.

On December 14, 1935, the United States attorney for the District of Massachusetts, and on January 9, 1936, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in their respective district courts a libel praying seizure and condemnation of three gross bottles of Alcothol-Rub at Boston, Mass., and 113 bottles thereof at Newark, N. J., alleging in the case in the District of Massachusetts that the article had been shipped in interstate commerce on or about November 27, 1935, by Fallis, Inc., from New York, N. Y., into the State of Massachusetts, and in the case in the District of New Jersey, that the article had been shipped on or about October 19, 1935, by Fallis, Inc., from New York, N. Y., into the State of New Jersey, and charging adulteration and misbranding, in the case in the District of Massachusetts; and misbranding only in the case in the District of New Jersey, in violation of the Food and Drugs Act. The article in each shipment was labeled in part: (Bottle) "Alcothol-Rub * * * Endorsed by the Medical Profession The Perfect Rubbing Compound." The

article shipped into the State of Massachusetts, was additionally labeled in part: (Shipping carton) "Rubbing Alcohol Compound Alcohol -70%-."

Analyses showed that the article shipped into the State of Massachusetts consisted essentially of alcohol (2 percent), small proportions of glycerin, formaldehyde, and perfume, and water; and that the article shipped into the State of New Jersey consisted essentially of isopropyl alcohol (2.1 percent) and water.

Adulteration of the article, in the case in the District of Massachusetts, was charged under the allegation that its strength fell below the professed standard under which it was sold, namely, "Rubbing Alcohol Compound —70%—."

Misbranding was charged in the case in the District of Massachusetts (a) under the allegation that the bottle label bore the statement, "Alcothol-Rub * * * Endorsed by the Medical Profession", and that the said statement was false and misleading in that the article contained an insignificant proportion of alcohol and in that the medical profession, as a whole, had not endorsed the article; (b) under the allegation that a shipping carton bore the statement, "Rubbing Alcohol Compound Alcohol —70%—", and that the statement was false and misleading; and (c) under the allegation that the package failed to bear on its label a statement of the quantity or proportion of alcohol contained therein.

Misbranding of the article in the case in the District of New Jersey was charged in that the bottle label bore the statement. "Alcothol-Rub * * * Endorsed by the Medical Profession", and that the said statement was false and misleading in that it created the impression that the article consisted essentially of alcohol; when, in fact, it consisted largely of water with a small proportion of isopropyl alcohol, and in that the medical profession, as a whole, had not endorsed the article. Misbranding of the article in that case was further charged in that the package failed to bear on its label a statement of the quantity or proportion of isopropyl alcohol contained therein.

On February 7 and March 16, 1936, no claimant having appeared in either case, default decrees of condemnation, forfeiture, and destruction were entered.

W. R. Gregg, *Acting Secretary of Agriculture.*

25846. Adulteration and misbranding of Papine. U. S. v. 71 Bottles of Papine, and another libel proceeding against the same article. Default decree of condemnation, forfeiture, and destruction in each case. (F. & D. nos. 36705, 36922. Sample nos. 41776–B, 52308–B.)

This article failed to conform to its professed standard and its label bore erroneous statements concerning the quantities of its ingredients.

On December 6, 1935, the United States attorney for the Northern District of Alabama, and on January 9, 1936, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in their respective district courts a libel praying seizure and condemnation of 47 bottles of Papine at Birmingham, Ala., and 71 bottles thereof at New Orleans, La., respectively, alleging in the case in the Northern District of Alabama, that the article had been shipped in interstate commerce on or about November 7, 1935, by Battle & Co., from St. Louis, Mo., to Birmingham, Ala., and in the case in the Eastern District of Louisiana, that the article had been shipped on or about December 12, 1935, also by Battle & Co., from St. Louis, Mo., to New Orleans, La., and charging, in each case, adulteration and misbranding in violation of the Food and Drugs Act. The article in each case was labeled in part: (Bottle) "Morphine, 1 Grain Per Ounce, Chloral Hydrate, 2 1-10 Gr. Per Oz."

Analysis showed (with respect to the shipment into Alabama) that the article contained 0.8 grain of morphine and 3.4 grains of chloral hydrate per fluid ounce; and (with respect to the shipment into Louisiana) that the article contained 0.77 grain of morphine and 3.13 grains of chloral hydrate per fluid ounce.

Adulteration of the article in each case was charged, under the allegation that its strength and purity fell below the professed standard or quality under which it was sold, namely, "Morphine, 1 Grain Per Ounce, Chloral Hydrate, 2 1-10 Gr. Per Oz."

Misbranding in each case was charged under the allegation that the label of the article bore the statement, "Morphine, 1 Grain Per Ounce, Chloral Hydrate, 2 1-10 Gr. Per Oz.", and that said statement was false and misleading.

On January 16 and February 4, 1936, no claimant having appeared in either case, default decrees of condemnation, forfeiture, and destruction were entered.

W. R. Gregg, *Acting Secretary of Agriculture.*

25847. Misbranding of Carboil. U. S. v. 96 Boxes of Carboil. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 36908. Sample no. 29908–B.)

Unwarranted therapeutic and curative claims were made for this article.

On January 7, 1936, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 96 boxes of Carboil at Birmingham, Ala., alleging that the article had been shipped in interstate commerce on or about October 9, 1935, by the McKesson-Berry-Martin Co., from Nashville, Tenn., to Birmingham, Ala., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Large carton) "Carboil for boils and eruptions."

Analysis showed that the product consisted essentially of chloral hydrate (9.5 grains per ounce) and tar oil incorporated in an ointment base consisting largely of petrolatum.

Misbranding of the article was charged in that there appeared upon the metal container of the article, upon the cartons, and in a circular enclosed in the cartons statements regarding the therapeutic or curative effects of the article; that the said statements were false and fraudulent representations that the article was effective, among other things, for the treatment of boils, eruptions, painful risings, throbbing pain, inflammation, skin irritation, skin troubles; and that it was a powerful medication that assists Nature in making rapid healing of skin troubles.

On March 11, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

W. R. Gregg, *Acting Secretary of Agriculture.*

25848. Misbranding of Novo Iodine Compound. U. S. v. 27 Dozen Packages of Economy First Aid Kit, each containing an article, labeled in part "Novo Iodine Compound." Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 36914. Sample no. 44053–B.)

This article was a substance other than the one which its label represented it to be.

On January 8, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of a quantity of Economy First Aid Kit which contained an article, labeled in part, "Novo Iodine Compound", at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about October 29, 1935, by the Union Products Co., from New York, N. Y., into the State of Massachusetts and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Package) "Novo Iodine Compound."

Misbranding of the article was charged under the allegation that the designation made in the label of the article, "Novo Iodine Compound", was false and misleading in that the article was not iodine compound but was a chloramine and potassium iodate compound.

On March 16, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

W. R. Gregg, *Acting Secretary of Agriculture.*

25849. Misbranding of Kopp's Alcohol. U. S. v. 7 Dozen Medium-Sized Bottles and 36 Small Bottles of Kopp's Alcohol. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 36920. Sample no. 51891–B.)

The medium-sized bottles of this article did not bear the quantity which the label represented that they contained. The labels of both sizes of bottles falsely represented that the article was a safe and appropriate medicament for infants and young children and made unwarranted curative and therapeutic claims for it.

On January 13, 1936, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of a quantity of Kopp's Alcohol at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about September 28 and November 26, 1935, by C. Robert Kopp, Inc., York, Pa., from Hellam, Pa., to Buffalo, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottle) "Kopp's Alcohol about 8½ Per Cent. Sulphate of Morphine ⅛ Grain Per Ounce * * * C. Robert Kopp, Incorporated, York, Pa., U. S. A."

Analysis showed that the article contained morphine sulphate ⅛ grain per fluid ounce, flavoring oils including anise oil, alcohol, sugar, and water. Further analysis showed that the medium-sized bottles were short in volume.

Misbranding of the article was charged (a) in that the bottle label and carton of the medium-sized bottles bore the statements, "This (40c.) bottle contains 1½ ounces", and that said statement was false and misleading; (b) in that the label bore and the circular contained directions detailing how the article should be given to infants and young children, together with a picture (on the circular) of a baby, entitled "Kopp's Remedies For Babies and Children", viz, "Directions—Dose for a child 1 week old, 4 drops; 2 weeks, 6 drops; 1 month, 10 to 12 drops; 2 months, 15 to 18 drops; 3 to 4 months, ⅛ teaspoonful; 4 to 6 months, ½ teaspoonful; 6 to 9 months, ⅔ teaspoonful; 12 months and over, 1 teaspoonful. Repeat in 3 or 4 hours if necessary", (directions in German and other foreign languages, translation) "Directions—Dose for a child 1 week old, 6 drops; 2 weeks old, 8 drops; 1 month, 15 to 18 drops; 2 months, 20 to 25 drops; 3 to 4 months, ½ teaspoonful; 4 to 6 months, ⅔ teaspoonful; 6 to 9 months, 1 teaspoonful, 12 or more months, 1½ teaspoonful. Repeat the dose every 3 to 4 hours if necessary", and that the aforesaid directions were false and misleading in that they were indicative that the preparation was a safe and appropriate remedy for infants and young children when, in fact, it was not; and (c) in that the label bore and a circular contained detailed directions concerning the administration of the article to infants and young children, viz, "Directions—Dose for a child 1 week old, 4 drops; 2 weeks, 6 drops; 1 month, 10 to 12 drops; 2 months, 15 to 18 drops; 3 to 4 months, ⅛ teaspoonful; 4 to 6 months, ½ teaspoonful; 6 to 9 months, ⅔ teaspoonful; 12 months and over, 1 teaspoonful. Repeat in 3 or 4 hours if necessary", (directions in German and other foreign languages, translation) "Directions—Dose for a child 1 week old, 6 drops; 2 weeks old, 8 drops; 1 month, 15 to 18 drops; 2 months, 20 to 25 drops; 3 to 4 months, ½ teasponful; 4 to 6 months, ⅔ teaspoonful; 6 to 9 months, 1 teaspoonful; 12 or more months, 1½ teaspoonful. Repeat the dose every 3 to 4 hours if necessary"; and that the aforesaid directions and picture were statements, designs, and devices regarding the curative and therapeutic effects of the article, and that they were false and fraudulent.

On February 10, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

W. R. Gregg, *Acting Secretary of Agriculture.*

25850. Misbranding of Slim. U. S. v. 26 Bottles of Slim. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 36921. Sample no. 35497-B.)

Unwarranted therapeutic and curative claims were made for this article.

On January 8, 1936, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 26 bottles of Slim at Fort Wayne, Ind., alleging that the article had been shipped in interstate commerce on or about November 2, 1934, by the Forest Hill Pharmaceutical Co, East Cleveland, Ohio, from that place to Fort Wayne, Ind., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part, (bottle) "Slim."

Analysis showed that the article consisted of capsules containing 1 grain of dinitrophenol each, lactose being present as a diluent.

Misbranding of the article was charged in that there were set forth on the carton and bottles statements as follows, to wit, "Slim the scientific way to reduce. Slim a physicians prescription prepared under his personal supervision to aid in safely reducing overweight. Send a self-addressed stamped envelope to our medical director with any questions in regard to weight reduction or skin irritation. Directions for using 'Slim' Take one capsule after breakfast and one after evening meal every day, bottle contains twenty-eight capsules sufficient for two weeks treatment"; that the aforesaid statements were false and fraudulent representations regarding the curative or therapeutic effects of the article; and that they falsely and fraudulently represented that such product could be safely taken according to directions for reduction of superfluous weight.

On February 24, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

W. R. Gregg, *Acting Secretary of Agriculture.*

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U. S. GOVERNMENT PRINTING OFFICE: 1937

N. J., F. D. 25851—25950

Issued January 1937

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

25851–25950

[Approved by the Acting Secretary of Agriculture, Washington, D. C., November 28, 1936]

25851. Misbranding of Krispy Krumbs. U. S. v. The Better Wheat Foods Co., a corporation, and Denton Rogers. Plea of guilty by defendant Rogers. Fine, $27. (F. & D. no. 32225. Sample no. 50923–A.)

Unwarranted therapeutic and curative claims were made for this article; its label bore incorrect statements regarding its ingredients, and the quantity of the contents of the package in which it was sold was not plainly stated thereon.

On December 3, 1934, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Better Wheat Foods Co., a corporation, and Denton Rogers, Logan, Utah, alleging shipment by it and him in violation of the Food and Drugs Act, as amended, on or about October 17, 1933, from Logan, Utah, to Denver, Colo., of quantities of Krispy Krumbs which were misbranded.

Analysis of the article showed that it consisted essentially of wheat containing a large amount of bran, and that little, if any, flaxseed was present.

Misbranding of the article was charged under the allegations that its package bore and that a circular enclosed therein contained statements regarding the therapeutic and curative effects of the article; that the said statements falsely and fraudulently represented that the article was effective, among other things, to furnish energy to make muscles, tissues, blood, bones and teeth, and to build good, sturdy bodies for young and old; effective to produce marvelous health—stomach disorders, auto-intoxication, nervous ailments, ulcers of the stomach, kidney trouble, bad complexion, liver trouble, excess acidity, rheumatism, and diabetes; effective to clear the blood stream of poisons and to neutralize acidity; effective to promote proper elimination and to assist the liver and kidneys in assuming their normal functions; effective as a treatment for any chronic ailments brought on by faulty elimination; and effective as a treatment for maladies of years' standing.

Misbranding of the article was further charged (a) under the allegations that the packages bore the statement "100% Whole Wheat", and that there appeared on a circular enclosed in the package the statements, "It is made more laxative by the addition of an especially prepared flax seed" and "A Complete Meal", that the article was not 100 percent whole wheat, that it contained little, if any, flaxseed, that it did not contain the essentials of a complete meal; that the aforesaid statements were false and misleading; (b) under the allegation that the article was labeled as aforesaid so as to deceive and mislead the purchaser; (c) under the allegation that the article was in package form and that the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 8, 1934, a plea of guilty by the defendant Rogers having been entered, a fine of $27 was imposed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25852. Misbranding of crackers. U. S. v. Griggs, Cooper & Co. Plea of nolo contendere. Fine, $20. (F. & D. no. 33775. Sample no. 66698–A.)

This case was based on an interstate shipment of crackers the packages of which contained less than the quantity represented thereon.

On January 27, 1936, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Griggs, Cooper, & Co., a corporation, trading at St. Paul, Minn., charging shipment by said corporation in violation of the Food and Drugs Act, on or about December 23, 1933, from the State of Minnesota into the State of Colorado of a quantity of crackers that were misbranded. The article was labeled in part: "Minuet Wafers Sanitary Food Manufacturing Co. Saint Paul, Minnesota Minuet Wafers Tasty—Salty—Cracker Net Weight One Pound."

The article was alleged to be misbranded in that the statement, "Net Weight One Pound", borne on the label, was false and misleading, and in that by reason of said statement the article was labeled so as to deceive and mislead the purchaser, since it represented that the packages each contained 1 pound of the article; whereas, in fact, the packages contained less than 1 pound of the article. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the statement made was incorrect.

On April 4, 1936, a plea of nolo contendere was entered on behalf of the defendant corporation, and the court imposed a fine of $20.

W. R. GREGG, *Acting Secretary of Agriculture.*

25853. Alleged misbranding of canned shelled pecans. U. S. v. R. E. Funsten Co. Tried to the court. Judgment of not guilty. (F. & D. no. 33812. Sample nos. 61641–A, 66761–A.)

This case was based on interstate shipments of canned shelled pecans, the contents of the cans of which were alleged to be short in weight.

On November 15, 1934, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the R. E. Funsten Co., a corporation, St. Louis, Mo., charging shipment by said corporation in violation of the Food and Drugs Act, on or about October 5, 1933, from the State of Missouri into the State of Wyoming, and on or about November 27, 1933, from the State of Missouri into the State of Montana, of quantities of shelled pecans that were misbranded. The article, contained in cans, was labeled: "Funsten's Shelled Pecans Select Halves Vacuum Packed Always Fresh Net Weight 8 Oz. R. E. Funsten Company, St. Louis, Mo., U. S. A."

The article was alleged to be misbranded in that the statement "Net Weight 8 Oz.", borne on the label, was false and misleading, and in that by reason of said statement the article was labeled so as to deceive and mislead the purchaser, since the statement represented that each of the cans contained 8 ounces of the article; whereas, in fact, each of nearly all of the cans contained less than 8 ounces of the article. The article was alleged to be misbranded further in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity of the contents of each of nearly all of the packages was less than 8 ounces, the amount stated.

On April 3, 1936, a jury having been waived, defendant was tried to the court and adjudged not guilty.

W. R. GREGG, *Acting Secretary of Agriculture.*

25854. Adulteration of canned tuna and canned mackerel. U. S. v. French Sardine Co., a corporation. Plea of guilty. Fine, $500. (F. & D. no. 33907. Sample nos. 686–B, 24115–B, 47947–B.)

This case involved a shipment of canned tuna and a delivery for shipment of canned mackerel which were in part decomposed.

On July 29, 1935, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the French Sardine Co., a corporation, Terminal Island, Calif., alleging that on or about May 5, 1934, the defendant company shipped from the State of California into the State of Washington a quantity of canned tuna; that on August 12, 1934, the defendant company delivered for shipment from the State of California into the State of Pennsylvania a quantity of canned mackerel; and that the articles were adulterated in violation of the Food and Drugs Act. The articles were labeled in part, respectively: "Belle Isle * * * F. S. Co. * * * Fancy Solid Pack Tuna Net Weight 7 Oz.", and "Eatwell Brand, California Mackerel * * * Packed By * * * French Sardine Co. Inc. Terminal Island, California."

The canned tuna was alleged to be adulterated in that it consisted in part of a decomposed and putrid animal substance.

The canned mackerel was alleged to be adulterated in that it consisted in part of a decomposed animal substance.

On June 15, 1936, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of $500.

W. R. Gregg, *Acting Secretary of Agriculture.*

25855. Adulteration and misbranding of mustard. U. S. v. Mid-West Food Packers, Inc., and Robert J. Meguiar. Pleas of guilty. Company fined $100 and costs. Individual defendant fined $100. (F. & D. no. 33914. Sample nos. 39326–A, 39331–A, 50768–A, 50769–A, 58285–A, 58286–A, 63789–A, 68601–A, 68662–A, 68664–A to 68668–A, incl., 68683–A, 68684–A, 68801–A, 68803–A, 68970–A to 68973–A, incl.)

These products contained undeclared mustard bran and the labels on the cans of two of them bore erroneous statements regarding the weight of the contents of the cans.

On March 5, 1935, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Mid-West Food Packers, Inc., and Robert J. Meguiar, Fowlerton, Ind., alleging shipments by them in violation of the Food and Drugs Act as amended, in the period from May 29, 1933, to February 7, 1934, from Fowlerton, Ind., to places in Alabama, Arkansas, Kansas, Pennsylvania, Rhode Island, and South Carolina of quantities of a product, purporting to be mustard, which was adulterated and misbranded. The product was variously labeled in part: (Jar) "Mid-West Brand Pure Prepared Mustard Contents 2 Lbs. Made By Midwest Food Packers, Inc. Fowlerton, Ind."; (jar) "Golden Sun Brand Pure Prepared Mustard"; (jar) "Rocky Point Brand Prepared Mustard Net Contents 1 Lb. Packed For Rhode Island Wholesale Grocery Co. Providence, R. I."; (jar) "Trump Pure Prepared Mustard Contents 1 lb. Packed for Eastern Whol. Groc. Co. Providence, R. I."

Adulteration of the four brands of mustard was charged, with respect to each of the brands, under the allegation that mustard bran had been substituted in part for prepared mustard.

Misbranding of the four brands of mustard was charged with respect to each of the brands, (a) under the allegations that the label on the jars bore the statement "Prepared Mustard", that the article was a product that contained added and undeclared mustard bran, and that the statement aforesaid was false and misleading; (b) under the allegation that the said statement was borne on the label on the jars so as to deceive and mislead the purchaser; (c) under the allegation that the article was sold under the distinctive name of another article, namely, prepared mustard.

Misbranding of the Mid-West Brand Pure Prepared Mustard was further charged (a) under the allegations that the labels of some of the jars bore the statement "Contents 1 lb.", and that the labels of other jars bore the statement "Contents 2 lbs.", that the jars contained less than 1 pound and 2 pounds, respectively, and that each of the said statements was false and misleading; (b) under the allegation that each of the aforesaid statements was borne on the jar so as to deceive and mislead the purchaser; (c) under the allegation that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages in terms of weight.

Misbranding of the Golden Sun Brand Pure Prepared Mustard was further charged (a) under the allegation that the label of the jars bore the statement "Contents 2 lbs.", that the jars contained less than 2 pounds, and that the said statement was false and misleading; (b) under the allegation that the statement was borne on the jars so as to deceive and mislead the purchaser; (c) under the allegation that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages in terms of weight.

On January 13, 1936, pleas of guilty having been entered, the defendant company was fined $100 and costs, and the individual defendant was fined $100.

W. R. Gregg, *Acting Secretary of Agriculture.*

25856. Misbranding of salad oil. U. S. v. Moosalina Products Corporation, a corporation, and Louis Weisberg and Samuel Hochheiser, officers of said corporation. Pleas of not guilty. Fines, $1,350. (F. & D. no. 33976. Sample nos. 52139–A, 52140–A, 52141–A, 52150–A, 67407–A, 69716–A, 69717–A, 69718–A, 69744–A.)

This case involved interstate shipments of a product consisting essentially of cottonseed oil flavored with olive oil or olive-oil flavor, which was labeled to convey the impression that it was olive oil of foreign origin.

On or about June 20, 1935, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Moosalina Products Corporation, a corporation, and Louis Weisberg and Samuel Hochheiser, officers of said corporation, at Brooklyn, N. Y., alleging that the article had been shipped in various shipments between the dates of May 4, 1933, and April 12, 1934, by the defendants from the State of New York into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act. The article was labeled, variously: "Oil, Lucca Toscana Brand, The Contents of Olive Oil in this Can is imported from Italy [same statement in Italian]"; "Oil Tuscaniny Brand * * * Packed by * * * Moosalina Products Corp. [same statements in Italian]."

The article was alleged to be misbranded in that the statements, "The Contents of Olive Oil in this Can is imported from Italy [same statement in Italian] * * * Oil Marca Lucca Toscana Brand", with respect to the Toscana brand, and the statements, "Oil Tuscaniny Brand * * * Oil Marca Tuscaniny * * * Moosalina", with respect to the Tuscaniny brand, together with the designs of olive leaves and branches, borne on the label, were false and misleading; and in that said cans bore statements and designs so as to deceive and mislead the purchaser, since they represented that the article was imported Italian olive oil; whereas it consisted principally of domestic cottonseed oil containing a small amount of olive oil and the misleading statements and designs were not corrected by the relatively inconspicuous statement, "is composed of eighty five percent of the finest domestic vegetable oil, fifteen percent of the best imported olive oil", borne on the cans. Misbranding was alleged further in that the article was offered for sale under the distinctive name and was an imitation of another article, olive oil, which it was purported to be, but was not.

On October 1, 1935, pleas of not guilty were entered on behalf of defendants and the court imposed a fine of $450 against the corporation, $450 against Louis Weisberg, and $450 against Samuel Hochheiser.

W. R. Gregg, *Acting Secretary of Agriculture.*

25857. Misbranding of butter. U. S. v. Consolidated Dairy Products Co. Plea of guilty. Fine, $135 and costs. (F. & D. no. 33997. Sample nos. 707–B, 708–B, 10915–B, 11105–B, 11120–B.)

This case was based on shipments of butter which were short-weight.

On May 13, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Consolidated Dairy Products Co., a corporation, Seattle, Wash., alleging shipment by said company in violation of the Food and Drugs Act, as amended on or about July 20, July 23, July 25, and July 30, 1934, from the State of Washington into Alaska of quantities of butter that was misbranded. The article was labeled in part: "Darigold Sweet Cream Butter * * * One Pound Net * * * United Dairymen's Association Produced and Distributed by Consolidated Dairy Products Company—Seattle-Tacoma."

The article was alleged to be misbranded in that the statement "One Pound Net", borne on the carton containing the article, was false and misleading and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the cartons contained less than 1 pound net of butter. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On March 3, 1936, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $135 and costs.

W. R. Gregg, *Acting Secretary of Agriculture.*

25858. Adulteration and misbranding of candy. U. S. v. Al Stein (Midwest Candy Co.). Plea of guilty. Fine, $10. (F. & D. no. 34019. Sample no. 41269–A.)

This case involved an interstate shipment of candy that contained alcoholic liquor.

On June 6, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Al Stein, a member of a firm trading under the name of the Midwest Candy Co., Chicago, Ill., alleging that on or about February 24, 1934, the defendant had shipped from Chicago, Ill., into the State of Minnesota a number of boxes in cases billed as candy, and that the article was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Genuine Old Time Favorite Cordials Not a Confection, Sale to Minors Prohibited 24 Pieces Tax Paid Cordials."

The article was alleged to be adulterated, in the case of confectionery, in that it contained spirituous liquor.

The article was alleged to be misbranded in that the statement "Not a Confection", borne on said boxes, was false and misleading in that it represented that said article was not a confection; whereas, in truth and in fact, it was a confection; and in that said statement was borne on said boxes so as to deceive and mislead the purchaser; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement of numerical count, "24 Pieces", did not give accurate information as to the quantity, i. e., the weight.

On February 10, 1936, a plea of guilty was entered on behalf of the defendant, and the court imposed a fine of $10.

W. R. Gregg, *Acting Secretary of Agriculture.*

25859. Adulteration and misbranding of potatoes. U. S. v. Diercks, Huxtable & Baldwin, Inc., and Felix A. Lukasavitz. Pleas of guilty. Fines, $30. (F. & D. no. 34059. Sample no. 64402–A.)

This case involved an interstate shipment of potatoes that fell below the standard established by the Secretary of Agriculture and were not labeled to indicate that they were substandard.

On August 5, 1935, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Diercks, Huxtable & Baldwin, Inc., and Felix A. Lukasavitz, Custer, Wis., alleging that on or about April 4, 1934, the defendants, in the name of Diercks & Sons, shipped and delivered for shipment a quantity of potatoes, from Custer, Wis., to Diercks, Huxtable & Baldwin, Inc., Chicago, Ill.; that the article had been reconsigned from Chicago, Ill., to Lafayette, Ind.; and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Wisconsin Potatoes U. S. Grade No. 1, 100 Lbs. Net Weight When Packed, Diercks & Sons, Antigo, Wis."

The article was alleged to be adulterated in that potatoes of a lower grade than U. S. No. 1 had been substituted in whole or in part for U. S. grade No. 1 potatoes, which the article purported to be.

Misbranding was alleged for the reason that the statement "Potatoes U. S. Grade No. 1", borne on the sack, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the potatoes were not U. S. grade No. 1 but were of a lower grade.

On January 7, 1936, and March 9, 1936, pleas of guilty were entered on behalf of the defendants, and the court imposed a fine of $25 against the corporation and $5 against Felix A. Lukasavitz.

W. R. Gregg, *Acting Secretary of Agriculture.*

25860. Adulteration and misbranding of canned corn. U. S. v. 838 Cases and 18 Cans of Canned Corn. Default decree of condemnation. Product released under bond. (F. & D. no. 34342. Sample no. 14286–B.)

This case involved a shipment of canned corn that contained worms of the corn borer type.

On November 23, 1934, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 838 cases and 18 cans of canned corn at Essex Junction, Vt., alleging that the article had been shipped by H. C. Baxter & Bro., from Essex Junction, Vt., on or about August 8, 1934,

to Boston, Mass., that it had been returned to the shipper from Boston, Mass., on or about November 5, 1934, and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Baxter's Finest Golden Bantam Corn * * * packed in the U. S. A. by H. C. Baxter & Bro. Offices Brunswick, Maine."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

Misbranding was alleged for the reason that the statement on the label, "Baxter's Finest Fancy Golden Bantam Corn", was false and misleading and deceived and misled the purchaser.

On July 20, 1935, H. C. Baxter & Bro., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the portion containing worms be segregated and destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25861. Adulteration of canned tuna. U. S. v. 8 and 17 Cases of Canned Tuna. Default decrees of condemnation and destruction. (F. & D. nos. 35471, 35484. Sample nos. 15878–B, 15881–B.)

These cases involved shipments of canned tuna which was in part decomposed.

On May 8 and May 10, 1935, the United States attorney for the District of Arizona, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 8 and 17 cases, more or less, of canned tuna respectively at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce between the dates of October 1, 1934, and April 20, 1935, by Haas Baruch & Co., from Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled variously: "Black and White California Fancy Tuna. Net Contents Three and One Fourth Oz. Haas Baruch and Company, Los Angeles, California, Distributors"; "Quail Brand Tuna Net Contents Three and One Half Ozs. Haas Baruch and Company, Los Angeles, California, Distributors."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On September 17, 1935, no claimants having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25862. Alleged adulteration of apple chops. U. S. v. 482 Sacks of Apple Chops. Case tried to the court. Decree dismissing libel and amended libel and releasing article. (F. & D. no. 34551. Sample no. 26334–B.)

This case involved apple chops that were alleged to contain lead and arsenic trioxide, which might have rendered the product injurious to health.

On December 11, 1934, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 482 sacks of apple chops at San Francisco, Calif., alleging that the article had been shipped in interstate commerce from Seattle, Wash., to San Francisco, Calif., en route to France, by the Washington Dehydrated Fruit Co. [Washington Dehydrated Food Co.], on or about December 1, 1934, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Importe Des Etas Unis d'Amérique GF 1828 Havre."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, lead and arsenic, which might have rendered it injurious to health.

On December 26, 1934, the Washington Dehydrated Food Co., a corporation, claimant herein, filed an answer to the above libel denying adulteration; and subsequently, an amended libel was filed charging substantially the same facts as the original libel, except that it alleged shipment for exportation to France via Oakland, Calif., and prayed seizure and condemnation of the article at Oakland. On February 26, 1935, the claimant filed an answer to the amended libel again denying that said article was adulterated, and on March 1, 1935, the case came on for trial before the court, a jury having been waived. On March 1, 1935, the court found the article not adulterated and ordered its release to claimant. On March 7, 1935, an order staying execution of the decree was entered, and on or about April 25, 1935, the article was released to the claimant.

W. R. Gregg, *Acting Secretary of Agriculture.*

25863. Adulteration of mackerel. U. S. v. 598 Cases of Mackerel. Consent decree of condemnation. (F. & D. no. 34552. Sample no. 22470–B.)

This case involved a shipment of mackerel which consisted in part of a decomposed animal substance.

On December 14, 1934, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 598 cases of mackerel, labeled in part "Dixieland Brand Mackerel Net Contents one pound", at Shreveport, La., alleging that the article had been shipped in interstate commerce on or about October 30, 1934, by the Seaboard Packing Corporation, from Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On October 22, 1935, the claimant, the Seaboard Packing Corporation, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the article be segregated, that the adulterated portion be destroyed, and that the portion not adulterated be released to the claimant.

W. R. Gregg, *Acting Secretary of Agriculture.*

25864. Adulteration of tomato puree. U. S. v. 417 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 35500. Sample no. 27724–B.)

This case involved an interstate shipment of tomato puree that contained excessive mold.

On June 20, 1935, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 417 cases of tomato puree at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about October 18, 1934, by the Niagara County Preserving Corporation, from Wilson, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Lyric Brand Tomato Puree Contents 6 Pounds 8 Ounces Distributors M. E. Horton, Inc. Washington, D. C."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On May 7, 1936, no claimant having appeared, a decree of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25865. Adulteration of tomato catsup. U. S. v. 35 Cases and 35 Cases of Tomato Catsup. Consent decree of condemnation and destruction. (F. & D. no. 35559. Sample nos. 26808–B, 26809–B.)

This case involved a shipment of tomato catsup that was worm-infested.

On May 28, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 70 cases of tomato catsup at Tacoma, Wash., alleging that the article had been shipped in interstate commerce on or about May 11, 1935, by the California Conserving Co, Inc., from Oakland, Calif., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled: "IGA De Luxe Catsup * * * Packed for Independent Grocers Alliance Distributing Co. Chicago, Ill." The remainder was labeled: "C–H–B California Home Brand Tomato Catsup Made by California Conserving Co. Incorporated San Francisco."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On June 8, 1936, the claimant, the California Conserving Co., Inc., having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be destroyed and that taxable costs be assessed against the claimant.

W. R. Gregg, *Acting Secretary of Agriculture.*

25866. Adulteration of tomato paste. U. S. v. 150 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. & D. no. 35608. Sample no. 13068–B.)

This case involved a shipment of tomato paste that contained worm debris.

On June 3, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district

court a libel praying seizure and condemnation of 150 cases of concentrated tomato paste at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about March 13, 1935, by the Howard Terminal, from Oakland, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Concentrated Tomato Paste Angel Brand Net Contents 6 Ounces Packed Expressly for Angel Brand Products Co. Boston, Mass."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On July 20, 1936, the claimant having defaulted, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25867. Adulteration of tomato puree. U. S. v. 274 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 35613. Sample no. 27734–B.)

This case involved a shipment of tomato puree that contained excessive mold.

On June 6, 1935, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 274 cases of tomato puree at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about May 4, 1935, by A. W. Sisk & Son, from Hurlock, Md., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Lyric Brand Tomato Puree Contents 6 pounds 8 ounces Distributors M. E. Horton, Inc. Washington, D. C."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On May 7, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25868. Adulteration of tomato puree and tomato catsup. U. S. v. 59 Cases of Tomato Puree, et al. Default decree of condemnation and destruction. (F. & D. no. 35620. Sample nos. 26619–B, 26621–B.)

This case involved the shipment of tomato puree and tomato catsup that contained worm debris.

On June 8, 1935, the United States attorney for the District of Nevada, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 59 cases each containing 6 cans of tomato puree, and 119 cases each containing 6 cans of catsup, at Reno, Nev., alleging that the articles had been shipped in interstate commerce on or about January 9 and March 9, 1935, by the California Conserving Co., Inc., of Hayward, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was variously labeled in part: "Yolo Brand Tomato Puree Made From Whole Ripe Tomatoes Only Net Contents Six Lbs. Eight Oz."; "Gresham Brand Tomato Catsup Net Contents Six Lbs. Twelve Oz."

The articles were alleged to be adulterated in that they consisted in whole or in part of filthy vegetable substances containing worm debris.

On March 13, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25869. Misbranding of canned peas. U. S. v. 1,600 Cases of Canned Peas. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 35642. Sample no. 23190–B.)

This case involved an interstate shipment of canned peas which fell below the standard established by this Department because of the presence of an excessive percentage of ruptured peas, and which were not labeled to indicate that they were substandard.

On June 14, 1935, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,600 cases of canned peas at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about March 6 and March 26, 1935, by the G. L. Webster Co., Inc., from Cheriton, Va., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Webster's early June peas Contents 1 lb. 4 oz."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since it did not consist of immature peas, as shown by the excessive number of ruptured peas, and its package or label did not bear a plain and conspicuous statement as prescribed by regulation of this Department indicating that it fell below such standard.

On July 9, 1935, the G. L. Webster Co., Inc., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond condition that it be relabeled.

W. R. Gregg, *Acting Secretary of Agriculture.*

25870. Adulteration of apple butter. U. S. v. 141 Jars of Apple Butter. Default decree of condemnation and destruction. (F. & D. no. 35699. Sample no. 31935–B.)

This case involved a shipment of apple butter samples of which were found to contain lead and arsenic trioxide, insect debris, rodent hair, human hair, and fragments of feathers.

On June 28, 1935, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 141 jars of apple butter at Detroit, Mich., shipped on or about April 1, 1935, alleging that the article had been shipped in interstate commerce by the D. B. Scully Syrup Co., from Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Scully's Pure Apple Butter, Net Weight One Pound Twelve Ounces."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, lead and arsenic trioxide, that might have been injurious to health; and in that it consisted wholly or in part of a filthy vegetable substance.

On August 8, 1935, no claimant having appeared judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25871. Adulteration of tomato catsup. U. S. v. 674 Cases of Catsup, and other actions. Decrees of condemnation and destruction. (F. & D. nos. 35748, 35788, 36103, 36612, 36655, 36656. Sample nos. 26820–B, 37941–B, 37942–B, 40616–B, 40625–B, 40838–B.)

These cases involved tomato catsup samples of which were found to contain filth resulting from worm and insect infestation.

On July 22, July 24, August 20, November 13, and November 21, 1935, the United States attorneys for the District of Oregon and the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the respective district courts libels praying seizure and condemnation of 956 cases of catsup at Portland, Oreg., and 701 cases of catsup at Seattle, Wash., alleging that the article had been shipped in interstate commerce from San Francisco, Calif., in part on or about January 15, 1935, by the Western States Grocery Co., and in part on or about May 20, May 28, and June 1, 1935, by the California Supply Co., and charging adulteration in violation of the Food and Drugs Act. Portions of the article were labeled: "Highway Brand Tomato Catsup * * * Packed for Western States Grocery Co., Inc." The remainder was labeled: "Our Choice Brand Tomato Catsup * * * Western States Grocery Company Distributors."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On November 16, 1935, January 22, and March 10, 1936, default decrees of condemnation were entered in the cases instituted in the District of Oregon and it was ordered that the product be destroyed. On June 8, 1936, the California Supply Co., claimant in the cases instituted in the Western District of Washington, having consented to the entry of decrees, judgments of condemnation were entered and it was ordered that the product be destroyed and that costs be taxed against claimant.

W. R. Gregg, *Acting Secretary of Agriculture.*

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25872. Adulteration of hot sauce and tomato puree. U. S. v. 12 Cases of Hot Sauce and 28 (60) Cases of Tomato Puree. Default decrees of condemnation and destruction. (F. & D. nos. 35753, 36276. Sample nos. 26593–B, 27067–B.)

These cases involved shipments of hot sauce and tomato puree that contained filfth resulting from worm infestation.

On July 11 and September 13, 1935, the United States attorney for the District of Nevada, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 12 cases of hot sauce at Elko, Nev., and 28 cases (amended to read 60 cases) of tomato puree at Tonopah, Nev., alleging that the articles had been shipped in interstate commerce by Haas Bros., from San Francisco, Calif., the former on or about April 27 and May 27, 1935, and the latter on or about May 7, 1935, and charging adulteration in violation of the Food and Drugs Act. The articles were labeled: "Palace Brand Hot Sauce [or "Tomato Puree"] * * * Haas Brothers Distributors San Francisco Oakland Fresno."

The articles were alleged to be adulterated in that they consisted in whole or in part of filthy vegetable substances.

On January 21 and February 3, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25873. Adulteration of apples. U. S. v. 516 Bushel Baskets of Apples. Consent decree of condemnation and destruction. (F. & D. no. 35778. Sample no. 23332–B.)

This case involved an interstate shipment of apples that contained added poisonous or other deleterious ingredients that might have rendered the article injurious to health.

On July 9, 1935, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 516 bushel baskets, more or less, of Oldenburg (Duchess) apples at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about July 5, 1935, by the F. H. Simpson Co., from Ozark, Ill., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or other deleterious ingredients, namely, lead and arsenic, which might have rendered it injurious to health.

On July 17, 1935, the D. L. Piazza Brokerage Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25874. Adulteration of crab meat. U. S. v. 1 Barrel of "Regular" Crab Meat (75 cans, more or less). Default decree of condemnation and destruction. (F. & D. no. 35780. Sample no. 27775–B.)

This case involved a shipment of crab meat that consisted in whole or in part of a filthy animal substance.

On July 8, 1935, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1 barrel (75 cans) of crab meat at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about July 3, 1935, by Amory & Holloway, from Old Point Comfort, Va., and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Regular Net Weight 1 Lb."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On May 7, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25875. Adulteration of canned mackerel. U. S. v. Sea Pride Packing Corporation, Ltd., a corporation. Plea of guilty. Fine, $200. (F. & D. no. 35922. Sample no. 6077–B.)

This case involved an interstate shipment of canned mackerel that was stale, of poor quality, and in an advanced stage of decomposition.

On November 26, 1935, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the

district court an information against the Sea Pride Packing Corporation, Ltd., a corporation, Terminal Island, Calif., alleging that on or about October 3, 1934, the defendant had shipped from the State of California into the State of Florida a number of cases of mackerel, and that the article was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Sea Pride Brand [design of a mackerel] Mackerel * * *. Extra Quality from California Packed by Sea Pride Packing Corp., Ltd., San Francisco—Monterey Wilmington Terminal Island, California, U. S. A."

The article was alleged to be adulterated in that it consisted in part of a decomposed animal substance.

On June 15, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $200 against the corporation.

W. R. Gregg, *Acting Secretary of Agriculture.*

25876. Adulteration of fava beans. U. S. v. Adolf Ingoglia and Anthony Bonfiglio (Sunny Italy Produce Co.). Pleas of guilty. Fine, $10 each. (F. & D. no. 35937. Sample no. 17534–B.)

This case involved an interstate shipment of fava beans that consisted in part of an excessive quantity of wormy beans.

On September 4, 1935, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Adolf Ingoglia and Anthony Bonfiglio, trading as the Sunny Italy Produce Co. at San Francisco, Calif., alleging that on or about July 19, 1934, the defendants shipped from the State of California into the State of New York a quantity of fava beans, and that the article was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "California Fava (Horse Beans) Sunny Italy Brand Grown & Packed by Sunny Italy Produce Company, San Francisco, California."

The article was alleged to be adulterated in that it consisted in part of a filthy vegetable substance.

On October 25, 1935, pleas of guilty were entered on behalf of the defendants and the court imposed a fine of $10 against each defendant.

W. R. Gregg, *Acting Secretary of Agriculture.*

25877. Adulteration and misbranding of alleged honey, and honey and malt. U. S. v. Silver Label Products Co., a corporation, and Philip Tuber, Albert Tuber, Leonard L. Tuber, and Jacob Tuber. Pleas of guilty. Fines, $14 against the company, $590 against each individual defendant, total $2,374. (F. & D. no. 36005. Sample nos. 24200–B, 42775–B to 42780–B, incl., 42787–B to 42792–B, incl.)

This case involved shipments of alleged honey which was found to consist in part of commercial invert sugar, a part of which was short in weight, and a product that consisted of a mixture of sugar, water, and cocoa slightly flavored with honey and malt, which was represented to be a chocolate-flavored mixture of honey and malt and that was short in weight.

On March 31, 1936, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Silver Label Products Co., a corporation, and Philip Tuber, Albert Tuber, Leonard L. Tuber, and Jacob Tuber, officers of said corporation, Brooklyn, N. Y., alleging that between the dates of March 25 and September 14, 1935, the defendants made various shipments from Brooklyn, N. Y., into the States of New Jersey and Pennsylvania of a number of jars of alleged honey and honey malt chocolate flavor, and that the articles were adulterated and misbranded in violation of the Food and Drugs Act. The honey was variously labeled in part: "Quality Pack Relco Brand Pure Honey Net Weight 8 ozs. Packed Exclusively for Reliable Grocery Co., Inc., Philadelphia, Pa."; "The Better Grade Uco Pure Honey Contents 32 Oz. [or "16 ozs.", "14 ozs.", "8 ozs.", or "5 ozs."] Distributed by Uco Food Corp., Newark, N. J.; [design of honey bee] Pure Honey Silver Label Prod. Co. Bklyn, N. Y. Net Wt., 1 Lb."; "[design of honey bee] Honey Malt Chocolate Flavor * * * Silver Label Prod. Co. Bklyn, N. Y. Net Wt. 1 Lb."

The "pure honey" was alleged to be adulterated in that a substance, commercial invert sugar, had been substituted in part for pure honey, which said article purported to be.

The "pure honey" was alleged to be misbranded in that the statement "Pure Honey * * * Quality Pack", with respect to a portion of the article, and the statements, "Pure Honey", "Net Wt. 1 lb", "Contents 8 Ozs", "Contents 14 Ozs.", "Contents 16 Ozs.", and "Contents 32 Ozs.", with respect to the remainder

thereof, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it did not consist of pure honey, but was a product consisting in part of commercial invert sugar, and in certain shipments of the article, the jars contained less than the amount declared thereon. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, namely, pure honey.

The honey malt chocolate flavor was alleged to be adulterated in that a mixture of sugar, water, and cocoa slightly flavored with honey and malt, had been substituted for a chocolate-flavored mixture of honey and malt, which the article purported to be.

The honey malt chocolate flavor was alleged to be misbranded in that the statements, "Honey Malt Chocolate Flavor" and "Net Wt. 1 Lb.", were false and misleading since said statements represented, respectively, that said article was honey malt chocolate flavor and that the quantity of contents was 1 pound net; whereas it was not but was, in fact, another product, a mixture of sugar, water, and cocoa slightly flavored with honey and malt and the quantity of the contents was less than 1 pound net; in that said statements were borne on the jars so as to deceive and mislead the purchaser into the belief that said article was honey malt chocolate flavor; and in that said article was offered for sale under the distinctive name of another article, namely, honey malt chocolate flavor, which it purported to be.

On April 15, 1936, pleas of guilty were entered on behalf of the defendants and the court imposed a fine of $14 against the company and a fine of $590 against each defendant or a total fine against the defendants of $2,374.

W. R. Gregg, *Acting Secretary of Agriculture.*

25878. Misbranding of cottonseed pebble-sized cake and cottonseed meal. U. S. v. Feeders Supply & Manufacturing Co., a corporation. Tried to a jury. Verdict of guilty. Fine, $100 and costs. (F. & D. no. 36016. Sample nos. 33016–B, 33017–B.)

This case involved a shipment of cottonseed pebble-sized cake and cottonseed meal that contained a smaller amount of protein than declared on the label.

On October 21, 1935, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Feeders Supply & Manufacturing Co., a corporation, Kansas City, Mo., alleging that on or about June 8, 1935, the defendant company shipped from Kansas City, Mo., into the State of Kansas a quantity of cottonseed pebble-sized cake and cottonseed meal, and that it was misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Equity Brand Cottonseed Cake and Meal 100 Pounds Net Guaranteed Analysis Protein not less than 43% * * * Manufactured For Feeders Supply and Mfg. Co. * * * Kansas City, Mo."

Misbranding was alleged for the reason that the statement "Protein Not Less than 43%", labeled on the sack tags, was false and misleading and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the article did not contain 43 percent of protein, but in fact contained less than 43 percent of protein.

On April 7, 1936, the case came on for trial before a jury when a verdict of guilty was returned. The court imposed a fine of $400 and costs. On May 9, 1936, the court overruled the defendant's motion for a new trial with the following opinion:

Otis, *Judge:* The motion for a new trial in this case was taken under advisement only that consideration might be given to one of the several grounds stated in the motion—alleged error in a part of the court's charge to the jury in a connection presently to be stated.

The information was in two counts but it is necessary to refer only to one. Count I of the information charged the defendant with transporting in interstate commerce sacks of animal food (cottonseed pebble-size cake) each branded as follows: "100 pounds net—guaranteed analysis—protein not less than 43%, etc." It was further charged that the articles of food thus branded were misbranded in that their protein content was not more than 38.56 percent.

The evidence supported the charge. Possibly there was some evidence which would have supported a finding of fact that the protein content of the food articles referred to was as much as 42 percent (without a transcript of the testimony I cannot be definite as to that.)

In the charge to the jury, after setting out the several elements of the charge, it was said: "This offense is committed if all of the other elements as

I have stated them have been proved, if the actual protein content of the food products referred to in the evidence and in the information fell short of 43 percent by any fraction of a percent."

It is of this portion of the charge that the defendant complains, contending it was an erroneous statement of the law.

I am satisfied the charge correctly stated the law.

The statute upon which the information was based is the Food and Drugs Act. The pertinent sections of that act are as follows:

SECTION 2. That the introduction into any State * * * from any other * * * of any article of food * * * which is * * * misbranded * * * is hereby prohibited * * *

SECTION 9. The term "misbranded" as used in Sections 1 to 15 * * * shall apply to * * * articles of food * * * the label of which shall bear any statement * * * regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular.

SECTION 10. For the purposes of Section 1 to 15 * * * an article shall be deemed to be misbranded. * * *

In case of food: * * *

THIRD. If in package form, the quantity of the contents be not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count; Provided, however, That reasonable variations shall be permitted, and tolerances and also exemptions as to small packages shall be established by rules and regulations made in accordance with the provisions of section 3 of this title * * *

FOURTH. If the package containing it or its label shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular.

Now there can be no real doubt that a violation of the Food and Drugs Act is established when it is proved that a package containing animal food is branded as: Guaranteed analysis, protein not less than 43 percent, if the protein content of the food is less than 43 percent. Certainly. then the label does 'bear (a) statement * * * regarding the ingredients or substances contained (in the food) which statement * * * (is) false or misleading in (one) particular.

The contention of the defendant is that the statute upon which the information was based permits of some variation from the precise statement made on a label, some "tolerance." If the contention is sound the charge certainly was erroneous (although it would not follow that a motion for a new trial should be granted on that account).

I think the statute permits of no variation from the truth in the label on a package of food, however slight the variation may be. The reasons for this conclusion I state here briefly:

First, the statute makes no express provision for any "reasonable variation" or "tolerance" in connection with the fourth paragraph of Section 10, upon which the information in this case was based. The absence of such provision for reasonable variations and tolerance is especially significant that no such variation or tolerance should be allowed in view of the fact that in the paragraph immediately preceding (paragraph 3) of Section 10 there is an express proviso authorizing reasonable variations and tolerance in statements of weights.

Second, to read into paragraph 4 of Section 10 by implication a proviso for reasonable variations and tolerances with no provision of a standard for determinating the upper and lower limits of such variations and tolerances is to make the statute vague, indefinite, and unenforceable. No standard is provided by the statute and no official is authorized by the statute to establish one.

Third, no possible variation downward from such a representation as that with which we are dealing in the label involved here can be reasonable. The representation guarantees that the protein content is "not less than 43%." None can reasonably interpret the phrase "not less" as meaning possibly "only a little less."

No variation from the percentage of protein guaranteed on the label would be reasonable even if the phrase "not less" were not used. When the guarantee is that the protein content is 43%, necessarily it is implied that the protein content is not less than 43%. Certainly that is the idea intended to be conveyed by the writer of the label. It is as if he said upon the label itself in so many words, "I represent that the food stuff in this package contains not a fraction of one per cent less than 43% of protein."

Forty-three (unlike "40" or "30" or "20") is an odd number, an exact number, not a round number. One who gives expression to an idea by the use of a number, if he intends only approximation, certainly will not use such a number

as "43" or "57" or "79." Use of such numbers indicates an intention of expressing with mathematical exactness the idea to be conveyed. That would be still more apparent if the representation was: "The protein content of the food stuff in this package is 43.3%." None would say that such a representation really means "about 43.3%."

I think the charge to the jury correctly stated the law.

The motion for a new trial should be and is overruled. It is so ordered.

On May 14, 1936, the court entered an order reducing the fine to $100.

W. R. GREGG, *Acting Secretary of Agriculture.*

25879. Misbranding of cottonseed cake and meal. U. S. v. Temple Cotton Oil Co., a corporation. Plea of guilty. Fine, $25. (F. & D. no. 36043. Sample nos. 33018–B, 33019–B.)

This case involved shipments of cottonseed meal and cake that contained a smaller amount of protein than indicated on the label.

On December 2, 1935, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Temple Cotton Oil Co., a corporation, Little Rock, Ark., alleging that on or about June 11 and July 15, 1935, the said defendant had shipped from the State of Arkansas into the State of Kansas a number of sacks of cottonseed meal and cake, and that the article was misbranded in violation of the Food and Drugs Act. The article was labeled in part: "100 Pounds Net [design of Indian] Quapaw Brand Cottonseed Meal—Cake Guaranteed Analysis Protein 43.00% * * * Manufactured by Temple Cotton Oil Company, Little Rock, Ark."; "Equity Brand Cottonseed Cake & Meal * * * Guaranteed Analysis Protein not less than 43%."

Misbranding was alleged for the reason that the statement "Protein not less than 43%", on the sack tag, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the article did not contain 43 percent of protein, but did contain less than 43 percent thereof.

On February 10, 1936, a plea of guilty was entered on behalf of the defendant, and the court imposed a fine of $25.

W. R. GREGG, *Acting Secretary of Agriculture.*

25880. Adulteration of tomato puree. U. S. v. Riona Products Co., Inc. Plea of guilty. Fine, $50 and costs. (F. & D. no. 36052. Sample no. 30751–B.)

This case involved a shipment of tomato puree that contained excessive mold.

On December 12, 1935, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Riona Products Co., Inc., trading at McAllen, Tex., alleging that on or about June 13, 1935, the defendant had shipped from the State of Texas to San Juan, P. R., a number of cans of tomato puree, and that the article was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Valley Rose Brand Tomato Puree * * * Packed by Riona Products Co., Inc. McAllen, Texas."

The article was alleged to be adulterated in that it consisted in part of a decomposed vegetable substance.

On February 29, 1936, a plea of guilty was entered on behalf of the defendant, and the court imposed a fine of $50 and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*

25881. Adulteration of canned tuna. U. S. v. Franco-Italian Packing Co., Inc. Plea of guilty. Fine, $75. (F. & D. no. 36068. Sample nos. 15878–B, 15881–B.)

This case involved interstate shipments of canned tuna that consisted in part of a decomposed animal substance.

On December 27, 1935, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Franco-Italian Packing Co., Inc., having places of business at East San Pedro and Terminal Island, Calif., alleging that on or about May 31 and July 12, 1934, the defendant company sold and delivered a number of cans of tuna in cases to Haas, Baruch & Co., Inc., Los Angeles, Calif., under a guaranty that it complied with the Federal Food and Drugs Act, that the product was subsequently shipped on or about October 5,

1934, February 27, and April 22, 1935, from Los Angeles, Calif., into the State of Arizona, where it was sampled, and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Black & White Brand * * * California Fancy Tuna * * * Packed in Salad Oil, Haas, Baruch & Co., Los Angeles, Calif., Distributors."

The information alleged that the product was adulterated when shipped and delivered for shipment from Los Angeles, Calif., into the State of Arizona in that it was a product that consisted in part of a decomposed animal substance.

On April 28, 1936, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $75.

W. R. Gregg, *Acting Secretary of Agriculture.*

25882. Adulteration of butter. U. S. v. R. E. Cobb Co., a corporation. Plea of guilty. Fine, $25. (F. & D. no. 36076. Sample no. 41040–B.)

This case involved an interstate shipment of butter that was deficient in milk fat.

On February 4, 1936, the United States attorney for the District of North Dakota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the R. E. Cobb Co., a corporation trading at Valley City, N. Dak., alleging shipment by said defendant in violation of the Food and Drugs Act as amended on or about September 4, 1935, from the State of North Dakota into the State of Minnesota of a quantity of butter labeled in part: "63 Pounds Net."

The article was alleged to be adulterated in that a substance deficient in milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat.

On July 24, 1936, the defendant entered a plea of guilty and the court imposed a fine of $25.

W. R. Gregg, *Acting Secretary of Agriculture.*

25883. Adulteration of tomato paste. U. S. v. Uddo-Taormina Corporation and Anthony A. Taormina. Pleas of guilty. Fines, $200 and costs. (F. & D. no. 36081. Sample nos. 38822–B, 42864–B.)

This case involved an interstate shipment of tomato paste that contained excessive mold.

On or about May 11, 1936, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Uddo-Taormina Corporation and Anthony A. Taormina, trading at Donna, Tex., alleging that on or about June 30 and July 20, 1935, the said defendants had shipped from the State of Texas into the States of Louisiana and New York, respectively, a number of cans in cases of tomato paste, and that the article was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Naples Style Tomato Paste Salsa Di Pomidoro Prepared From Fresh, Ripe Tomatoes, Harmless Color and Sweet Basil Polly Brand Tipo Napoli Mfd. in U. S. A."

The article was alleged to be adulterated in that it consisted in part of a decomposed vegetable substance.

On June 11, 1936, pleas of guilty were entered on behalf of the defendants, and the court imposed a fine of $100 and costs against each defendant.

W. R. Gregg, *Acting Secretary of Agriculture.*

25884. Adulteration and misbranding of Carlene's Imperial Champyne Americaine. U. S. v. 120 Bottles and 50 Bottles of Carlene's Imperial Champyne Americaine. Default decree of destruction. (F. & D. no. 36185. Sample no. 33036–B.)

The labeling of this article bore misleading statements and a design falsely implying that it was champagne.

On August 28, 1935, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 170 bottles of Carlene's Imperial Champyne Americaine at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about December 8, 1934, by the California Vineyards Co., and that it was adulterated and misbranded in violation of the Food and Drugs Act. The shipment was made from Chicago, Ill. The article was labeled in part: (Bottle) "Carlene's Imperial Champyne Americaine"; (strip posters in shipping case) "Do you Like Champagne? Try Carlene's Imperial"; the invoice bore the statement, "Re-

move the label and you remove the difference between the most expensive champagne and Carlene's Imperial."

Adulteration of the product was charged under the allegation that an effervescent alcoholic beverage having the flavor of a fermented apple product had been substituted for champagne.

Misbranding of the product was charged under the allegation that the statement "Champyne Americaine", on the shoulder label of the bottle, the design on the main bottle label depicted a medieval walled city and a typical champagne bottle of thick glass with the push-up bottom and the champagne style wired-in cork stopper, and the statement on strip posters in shipping cases, "Do You Like Champagne? Try Carlene's Imperial", were false and misleading and tended to deceive and mislead the purchaser when applied to an effervescent alcoholic beverage having the flavor of a fermented apple product which was not champagne; and under the allegation that the product was offered for sale under the distinctive name of another article, namely, champagne.

On January 8, 1936, no claimant having appeared, judgment was entered finding the product adulterated and misbranded, and ordering that it be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25885. Adulteration of canned salmon. U. S. v. 3,354 Cases of Canned Salmon, and two other libel proceedings against canned salmon involving 7,167 cases thereof. Cases consolidated for purpose of decree. Consent decree of condemnation and forfeiture, providing for release of the salmon under bond for segregation and destruction of the adulterated portion. (F. & D. nos. 36435, 36529, 36560. Sample nos. 26565–B, 26567–B, 37881–B, 37893–B, 37896–B, 40878–B, 40888–B.)

The product in each of these three shipments was in part decomposed.

On September 25, October 19, and October 23, 1935, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 10,521 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce from Klawock, Alaska, to Seattle, Wash., by the Klawock Packing Co., in various shipments on or about August 12, 20, and 31, 1935, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was charged in each of the cases under the allegation that it consisted in whole or in part of a decomposed animal substance.

On January 20, 1936, the three cases having been consolidated for purpose of decree, and the Klawock Packing Co., claimant, consenting, judgment of condemnation was entered providing for release of the product to the claimant under bond conditioned that the adulterated portion be segregated and destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25886. Misbranding of bakery products. U. S. v. 66 Packages of Devonet's Canape Wafers, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 36533. Sample nos. 22092–B to 22095–B, incl., 22097–B, 22098–B.)

The label on the packages of each of these articles bore an erroneous statement concerning the weight of contents.

On October 22, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 113 packages of wafers, 19 packages of toast, 90 packages of whole wheat, and 714 packages of toasted crumbs at Newark, N. J., alleging that the articles had been shipped in interstate commerce, on or about September 18, 1935, and on or about October 2, 1935, by Devon Bakeries, Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: (Packages) "Devonets Canape Wafers De Luxe Net Weight Not Less Than 4½ Oz."; "Devonsheer Plain Melba Toast Net Weight Not Less Than 3¾ Ounces"; "Devonsheer 100% Whole Wheat 'A Toast to the Nation' 3⅞ Oz. The Perfect Health Food for Weight Control"; "Devonsheer Old English Golden Brown Toasted Crumbs One Pound Net"; "Devonets Canape Wafers De Luxe Not Less Than 4 Oz."

Misbranding of each of the several articles was charged (a) under the allegation that the statement of the weight of the contents of the packages, borne on the label, was false and misleading and tended to deceive and mislead; (b) unde the allegation that the article was found in package form and the quantity of the

contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On January 6, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25887. Adulteration of butter. U. S. v. 346 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond for reworking. (F. & D. no. 36549. Sample no. 30575–B.)

This product was sold as butter but was deficient in milk fat.

On September 21, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 346 tubs of butter at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about August 28, 1935, by E. W. Newton, from Wheeling, W. Va., and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was charged under the allegation that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On October 9, 1935, E. W. Newton, Wheeling, W. Va., having appeared as claimant, consent decree of condemnation and forfeiture was entered providing for release of the product to the claimant under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

W. R. Gregg, *Acting Secretary of Agriculture.*

25888. Adulteration of butter. U. S. v. 1 Tub of Butter, and another libel proceeding against butter. Default decree of condemnation, forfeiture, and destruction in each case. (F. & D. nos. 36551, 36552. Sample nos. 39877–B, 39883–B.)

Samples of butter taken from these shipments were found to contain maggots, mold, portions of insects, human hair, rodent hair, and nondescript dirt.

On October 11 and October 16, 1935, the United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the district court on each of said dates, a libel praying seizure and condemnation of a quantity of butter at Baltimore, Md., consigned by J. N. Bernard, Rogersville, Tenn. It was alleged in the libels that the article had been shipped in interstate commerce, in part on or about October 6, 1935, and in part on or about October 14, 1935, from Rogersville, Tenn., to Baltimore, Md., and was adulterated in violation of the Food and Drugs Act.

Adulteration of the article, in each case, was charged under the allegation that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On November 19 and November 21, 1935, no claimant having appeared in either case, default decrees of condemnation, forfeiture, and destruction were entered.

W. R. Gregg, *Acting Secretary of Agriculture.*

25889. Adulteration of butter. U. S. v. 12 Cases and 4 Boxes of Butter. Default decree of condemnation, forfeiture, and destruction in each case. (F. & D. nos. 36556, 36557. Sample nos. 41586–B, 43462–B.)

Samples of the butter involved in these cases were found to contain mold, insect legs, filth, and nondescript dirt.

On October 3, 1935, and October 18, 1935, the United States attorneys for the Eastern District of Louisiana and the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 12 cases of butter at New Orleans, La., and 4 boxes of butter at Lynn, Mass. It was alleged in the libel filed in the Eastern District of Louisiana that the article had been shipped in interstate commerce on or about September 24, 1935, by Armour Creameries, from Fort Worth, Tex., to New Orleans, La., and in the libel filed in the District of Massachusetts that the article had been shipped in such commerce (about October 8, 1935) by Armour Creameries, from Marysville, Kans., to Lynn, Mass. It was charged in each libel that the product was adulterated in violation of the Food and Drugs Act. The lot libeled at New Orleans, La., was labeled in part: (Case) "Springbrook Country Rolls." The lot libeled at Lynn, Mass., was labeled in part: "Goldendale Creamery Butter Distributed by Armour Creameries."

Adulteration of the article in each of the cases was charged under the allegation that it consisted in whole or in part of a filthy and decomposed animal substance.

On November 8 and December 23, 1935, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25890. Adulteration of cauliflower. U. S. v. 56 Crates of Cauliflower. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 36558. Sample no. 53913–B.)

This product contained arsenic.

On October 16, 1935, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 56 crates of cauliflower at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, on or about October 15, 1935, by A. Reich, from Riverhead, Long Island, N. Y., to Philadelphia, Pa., and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was charged under the allegation that it contained an added deleterious or poisonous ingredient, namely, arsenic, which might have rendered it harmful to health.

On November 8, 1935, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

W. R. Gregg, *Acting Secretary of Agriculture.*

25891. Adulteration of canned salmon. U. S. v. 2,858 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond for separation and destruction of decomposed portion. (F. & D. no. 36559. Sample nos. 37894–B, 37897–B.)

This canned salmon was in part decomposed.

On October 23, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 2,858 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce, on or about September 16, 1935, by the Superior Packing Co., from Tenakee, Alaska, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was charged under the allegation that it consisted in whole or in part of a decomposed animal substance.

On October 28, 1935, the Superior Packing Co., claimant, having admitted the material allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the decomposed portion be separated therefrom and destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25892. Alleged adulteration of apples. U. S. v. 40 Bushels and 43 Bushels of Apples. Decree that product be immediately destroyed entered. (F. & D. no. 36562. Sample no. 19549–B.)

It was alleged that this product contained lead and arsenic.

On October 5, 1935, the United States attorney for the Western District of Kentucky, acting upon a report by the director, Bureau Foods, Drugs and Hotels of the State of Kentucky, filed in the district court a libel praying seizure and condemnation of 83 bushels of apples at Louisville, Ky., alleging that the article had been shipped in interstate commerce, on or about September 29, 1935, by Vincent Leone, Coloma, Mich., from that place to Louisville, Ky., and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was charged under the allegation that it contained added poisonous or deleterious ingredients, namely, lead and arsenic, which might have rendered it injurious to health.

On October 24, 1935, it then appearing to the court that the seized property was spoiled and unfit for human consumption, a decree for its immediate destruction was entered.

W. R. Gregg, *Acting Secretary of Agriculture.*

25893. Adulteration of apples. U. S. v. 1,843 Bushels of Grimes Golden Apples and five other libel proceedings against 5,628 bushels of several varieties of apples. Cases consolidated. Consent decree of condemnation providing for release of the product to the claimant for reconditioning by washing, upon furnishing of bond. (F. & D. nos. 36563, 36565, 36566, 36567, 36730, 36731. Sample nos. 35432–B to 35438–B, incl., 45201–B, 45202–B.)

The apples involved in these several proceedings contained added lead and arsenic.

In the period from on or about October 1 to October 19, 1935, the United States attorney for the Western District of Kentucky, acting upon reports by the director, Bureau Foods, Drugs and Hotels of the State of Kentucky, filed in the district court six libels praying seizure and condemnation of 7,471 bushels of apples at Louisville, Ky., alleging that the apples had been shipped in interstate commerce in the period from on or about September 14, 1935, to on or about October 2, 1935, by Hobbs & Hawkins Orchards, Mitchell, Ind., from that place to Louisville, Ky., and charging in each case adulteration in violation of the Food and Drugs Act.

Adulteration of the product in each of the libels was charged under the allegation that it contained added poisonous and deleterious ingredients, lead and arsenic, which might have rendered it injurious to health.

On November 7, 1935, a consent decree of condemnation was entered in the consolidated case, providing for release of the products to the claimant for reconditioning by washing, upon furnishing of bond in the sum of $8,000.

W. R. Gregg, *Acting Secretary of Agriculture.*

25894. Misbranding of canned peas. U. S. v. 120 Cases of Green Pac Brand Garden Run Early June Peas, and eight other libel proceedings against canned peas. Decrees of condemnation. Certain lots released under bond for relabeling. Other lots ordered delivered to charity or emergency relief organizations. One lot ordered destroyed. (F. & D. nos. 36543, 36608, 36610, 36611, 36632 to 36635, incl., 36659. Sample nos. 54011–B, 54041–B to 54049–B, incl., 54064–B.)

The article involved in these proceedings was substandard in quality and condition and its labels were without a plain and conspicuous statement indicative of that fact and bore the untrue statement that they had been packed by the Greencastle Packing Co.

On October 28, November 8, 12, 16, 21, and 22, 1935, the United States attorneys for the Eastern and the Middle Districts of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 551 cases of canned peas in various lots at Auburn, Reading, Wilkes-Barre, Tamaqua, Allentown, Hazelton, Sunbury, and Pottsville, Pa. The product had been shipped in interstate commerce between the dates of July 13 and August 19, 1935, in part by or on behalf of the Greencastle Packing Co., from Baltimore, Md., and in part by the Hillsboro-Queen Anne Cooperative Corporation, from Lewes, Del., to Greencastle, Pa., from which place they were distributed by the Greencastle Packing Co.

The article was labeled, variously: (Can) "Green Pac Brand Garden Run Early June Peas * * * Packed by the Greencastle Packing Co. Greencastle, Franklin Co. Penna."; (can) "Anchor Brand Garden Run Early June Peas * * * Packed by The Greencastle Packing Co. Greencastle, Franklin Co. Pa."; (can) "Vestibule Brand Early June Peas * * * Packed by the Greencastle Packing Co. Greencastle, Franklin Co. Pa."

The libels alleged that the article was misbranded in violation of the Food and Drugs Act as amended in that the statement on the label, "Packed by The Greencastle Packing Co. Greencastle, Franklin Co. Pa.", was false and misleading and tended to deceive and mislead the purchaser, since said company was not the packer of the article; and in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture in that the peas were not immature, and its label did not bear a plain and conspicuous statement as prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On November 21, 1935, and January 3, 1936, decrees of condemnation were entered in four proceedings in the Eastern District of Pennsylvania, involving a total of 341 cases of the product seized at Auburn, Reading, Allentown, and Pottsville, providing for release of the goods to the claimant, the Greencastle Packing Co., under bond conditioned that it be relabeled. On December 10, 1935, and January 10, 1936, no claim having been made for the remainder of the goods, judgments of condemnation were entered. The lot seized at Tamaqua, Pa., was

ordered destroyed and the lots seized at Wilkes-Barre, Hazelton, and Sunbury, Pa., were ordered delivered to charitable or relief organizations for use, and not for sale.

W. R. GREGG, *Acting Secretary of Agriculture.*

25895. Adulteration of canned salmon. U. S. v. 3,900 Cases of Canned Salmon. Consent decree of condemnation, providing for release of the product under bond for separation and destruction of the adulterated portion. (F. & D. no. 36622. Sample nos. 53622–B, 53644–B, 53645–B, 53671–B.)

Decomposed salmon was present in this product.

On November 15, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 3,900 cases of canned salmon at Seattle, Wash., alleging the article had been shipped in interstate commerce on or about August 31, 1935, from Litnikoff Cove, Alaska, to Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The shipment was made by the Haines Packing Co.

Adulteration of the product was charged under the allegation that it consisted in whole or in part of a decomposed animal substance.

On January 14, 1936, Tim Vogel, claimant, consenting, a decree of condemnation was entered providing for release of the product to the claimant for separation of the adulterated salmon from the unadulterated, and destruction of the adulterated portion, upon furnishing bond in the sum of $5,000.

W. R. GREGG, *Acting Secretary of Agriculture.*

25896. Adulteration of cheese. U. S. v. 239 Boxes of Cheese. Consent decree of condemnation providing for release of the product under bond for relabeling. (F. & D. no. 36654. Sample no. 42609–B.)

This product was deficient in milk fat.

On November 22, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 239 boxes of cheese at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 3, 1935, by the Sunrise Dairy Products Co., from Freemont, Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Package) "Daisy Whole Milk White Cheese"; (box) "41955 White Whole Milk D 19183."

Adulteration of the article was charged under the allegation that a substance deficient in fat had been substituted for cheese which the product purported to be.

On January 30, 1936, the Merchants Refrigerating Co., the claimant, consenting, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled "Skim Milk Cheese" or "Cheese made from skim milk."

W. R. GREGG, *Acting Secretary of Agriculture.*

25897. Adulteration and misbranding of alleged condensed buttermilk and alleged near solid buttermilk. U. S. v. 42 Barrels of Alleged Condensed Buttermilk, and other libel proceedings. Decrees of condemnation and forfeiture. Certain lots released under bond for relabeling. The remainder destroyed. (F. & D. nos. 36670, 36681, 36684. Sample nos. 43537–B, 43538–B, 44719–B.)

These products were sold as condensed buttermilk and near solid buttermilk, respectively, and were found to contain added coconut oil.

On November 29, November 30, and December 2, 1935, the United States attorneys for the Districts of Connecticut and New Jersey, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 42 barrels of alleged condensed buttermilk at East Hartford, Conn., 14 barrels of alleged condensed buttermilk at Norwich, Conn., and 15 barrels of alleged near solid buttermilk at Vineland, N. J. The libels alleged that the articles had been shipped in interstate commerce by the Center Milk Products Co. of Middlebury Center, Pa., in part on or about September 16 and October 19, 1935, from Middlebury Center, Pa., and in part on or about September 16, 1935, from Knoxville, Pa., into the States of Connecticut and New Jersey, respectively, and charged adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part, respectively: "Big Y Condensed Buttermilk from Churned Cream * * * Mfg. for Yantic Grain and Products Co. Norwich, Conn."; "Vita Brand Near

Solid Buttermilk From Churned Cream * * * Center Milk Products Co. Middlebury Center, Pa."

The articles were alleged to be adulterated in that products containing coconut oil had been substituted wholly or in part for condensed buttermilk and near solid buttermilk which the articles purported to be.

Misbranding was alleged in that the statements, "Condensed Buttermilk" and "Near Solid Buttermilk From Churned Cream", borne on the labels of the respective products, were false and misleading and tended to deceive and mislead the purchaser when applied to products containing coconut oil. Misbranding was alleged for the further reason that the articles were offered for sale under the distinctive names of other articles.

On January 16, 1936, the Center Milk Products Co., having appeared as claimant for the alleged condensed buttermilk seized at East Hartford and Norwich, Conn., and having admitted the allegations of the libels, judgments of condemnation were entered and the court ordered that the product be released under bond conditioned that it be properly relabeled. On January 21, 1936, no claim having been entered for the alleged near solid buttermilk seized at Vineland, N. J., judgment of condemnation was ordered and the product was ordered destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25898. Adulteration and misbranding of wine. U. S. v. 234 Cases, et al., of Wine. Decrees of condemnation and forfeiture providing for release of the product under bond for relabeling. (F. & D. nos. 36709, 36710. Sample nos. 48648–B to 48651–B, incl., 51131–B, 51132–B, 51133–B.)

Grape wine was substituted for the various types of wine the labels represented this product to be; the product contained less alcohol than represented.

On or about December 7, 1935, the United States attorneys for the Middle District of Georgia and the Western District of Virginia, acting upon reports by the Secretary of Agriculture, filed in the respective district courts libels praying seizure and condemnation of 234 cases and 12 kegs of wine at Americus, Ga., and 133 cases of wine at Lynchburg, Va., alleging that the article had been shipped in interstate commerce, on or about October 26, November 7, and November 14, 1935, by the Belvedere Wine & Liquor Co., from Baltimore, Md., and charging adulteration and misbranding in violation of the Food and Drugs Act. The bottles contained in the cases were variously labeled, as follows: "Alcohol 19 to 21% * * * Bello Vino American Peach [or "Cherry", "Apricot", or Blackberry"] Wine Bottled from Tax Paid Packages by Belvedere Wine & Liquor Co. Baltimore."

Adulteration of the article was alleged in that a blend of grape wines had been substituted for peach wine, cherry wine, apricot wine, and blackberry wine which the labels represented the article to be.

Misbranding of the product was alleged in that the designations, "Peach Wine", "Cherry Wine", "Apricot Wine", and "Blackberry Wine", respectively, were false and misleading when applied to a blend of grape wines; in that the statement "Alcohol 19 to 21%", appearing on the labels of the bottles, was false and misleading when applied to wines containing less than said amount of alcohol; and in that the article was offered for sale under the distinctive names of other articles.

On January 6 and January 21, 1936, H. L. Caplan & Co., Inc., trading as Belvedere Wine & Liquor Co., having appeared as claimant, judgments of condemnation were entered and it was ordered that the product be released under bond conditioned that it be correctly relabeled.

W. R. Gregg, *Acting Secretary of Agriculture.*

25899. Misbranding of allspice. U. S. v. 10 Cases of Allspice. Default decree of condemnation. Product ordered delivered to charitable or relief organization, or destroyed. (F. & D. no. 36714. Sample no. 54067–B.)

This case involved an interstate shipment of allspice the packages of which were found to be short in weight.

On December 10, 1935, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 cases of allspice at Williamsport, Pa., alleging that the article had been shipped in interstate commerce on or about July 3, 1933, by L. E. Rogers, from Binghamton, N. Y., and that it was misbranded in violation of the Food and Drugs Act. The article was labeled: "It's A Rogers Product Allspice 3 Ounces L. E. Rogers 46 Maple St. Binghamton, N. Y."

The article was alleged to be misbranded in that the statement on the label "3 Ounces", was false and misleading and tended to deceive and mislead the purchaser, and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On March 31, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be turned over to a charitable or relief organization, or that it be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25900. Adulteration of pecans. U. S. v. 109 Sacks of Pecans. Default decree of condemnation and destruction. (F. & D. no. 36715. Sample no. 52236–B.)

This case involved an interstate shipment of pecans which were in part moldy and rancid.

On December 5, 1935, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 109 sacks of pecans at New Orleans, La., alleging that the article had been transported in interstate commerce on or about December 1, 1935, by Joseph Talerico, from Albany, Ga., and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On January 16, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25901. Adulteration of apples. U. S. v. 37 Crates of Apples. Default decree of condemnation and destruction. (F. &. D. no. 36739. Sample no. 47840–B.)

This case involved an interstate shipment of apples examination of which showed the presence of arsenic and lead which might have rendered them injurious to health.

On October 17, 1935, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 37 crates of apples at South Bend, Ind., alleging that the article had been shipped in interstate commerce on or about October 13, 1935, by Tom Johnston, from Watervliet, Mich., and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On January 8, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the apples be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25902. Adulteration of shucked oysters. U. S. v. 3 Barrels of Shucked Oysters. Default decree of condemnation and destruction. (F. & D. no. 36751. Sample no. 52033–B.)

This case involved an interstate shipment of shucked oysters which were found to contain excessive water.

On December 7, 1935, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 3 barrels containing 326 pint cans of shucked oysters at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about December 4, 1935, by Roaring Point Oyster Co., from Nanticoke, Md., and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that water had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength, and in that excessive water had been substituted in part for the said article.

On January 7, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the oysters be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25903. Adulteration of dressed poultry. U. S. v. One Barrel of Chickens. Default decree of condemnation and destruction. (F. & D. no. 36753. Sample no. 43826–B.)

This case involved an interstate shipment of dressed chickens examination of which showed the presence of diseased chickens.

On December 9, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel containing 56 dressed chickens at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about November 23, 1935, by F. M. Priest & Sons, from St. James, Minn., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled: "Unclassified Poultry to be Government Inspected."

The article was alleged to be adulterated in that it was the product of diseased animals.

On March 16, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the article be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25904. Adulteration of butter. U. S. v. 25 Cases, and 25 Cases of Butter. Default decree of condemnation and destruction. (F. & D. no. 36763. Sample nos. 41706–B, 41721–B, 41727–B.)

This case involved an interstate shipment of butter which was found to contain mold, pieces of insects, and other extraneous material.

On October 31, 1935, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cases each containing thirty-two 1-pound rolls of butter at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about July 16 and 23, 1935, by Jerpe Dairy Products Corporation, from Fayetteville, Ark., and that it was adulterated in violation of the Food and Drugs Act. The rolls were labeled in part: (Wrapper) "Ol' Fashund Roll Finest Creamery Butter Clear Brook Quality Made from Pasteurized Cream, Ol' Fashund Roll Distributors Wilson & Co. General Offices Chicago, Ill."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed animal substance.

On January 21, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the butter be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25905. Adulteration of butter. U. S. v. 38 Cases of Butter. Default decree of condemnation and destruction. (F. & D. no. 36767. Sample no. 48622–B.)

This case involved an interstate shipment of butter which was found to contain maggots and parts of insects.

On November 6, 1935, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 38 cases of butter at Tampa, Fla., alleging that the article had been shipped in interstate commerce on or about October 17, 1935, by the Rosemary Creamery, from Atlanta, Ga., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Rosemary Pasteurized Process Butter * * * Manufactured by Rosemary Creamery * * *, Atlanta Ga."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed animal substance.

On January 16, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the butter be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25906. Adulteration and misbranding of milk powder. U. S. v. 2 Barrels of Milk Powder. Default decree of condemnation and destruction. (F. & D. no. 36786. Sample no. 42626–B.)

This case involved an interstate shipment of an article represented to be milk powder that was found to be skim-milk powder.

On December 12, 1935, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two barrels of an article described as milk powder at Scranton, Pa., alleging that the article had

been shipped in interstate commerce on or about November 4, 1935, by the Center Milk Products Co., from Frankfort, N. Y., and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Vita Brand Milk Powder Full Cream Separated * * * Center Milk Products Co. * * * Middlebury Center Penna."

The article was alleged to be adulterated in that skim-milk powder had been substituted wholly or in part for milk powder which the article purported to be.

The article was alleged to be misbranded in that the statement "Milk Powder", borne on the label, was false and misleading and tended to deceive and mislead the purchaser when applied to skim-milk powder; and in that the article was offered for sale under the distinctive name of another article.

On March 28, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25907. Misbranding of beer. U. S. v. 150 Cases of Beer. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 36787. Sample no. 52695–B.)

This case involved an interstate shipment of beer which was found to contain less alcohol than the percentage thereof represented on the label.

On December 12, 1935, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 150 cases of beer at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about November 27, 1935, by the Miller Brewing Co., from Milwaukee, Wis., and that it was misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Old Original Miller Beer Brewed & Bottled by Miller Brewing Co. Milwaukee, Wis., U. S. A. Guaranteed not less than 9% Proof Winter Beer."

The article was alleged to be misbranded in that the statement "Guaranteed not less than 9% Proof Winter Beer", borne on the label, was false and misleading and tended to deceive and mislead the purchaser when applied to a product containing 4.77 percent of alcohol by volume.

On January 3, 1936, the Miller Brewing Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be labeled to comply with the law.

W. R. Gregg, *Acting Secretary of Agriculture.*

25908. Adulteration and misbranding of canned cherries. U. S. v. 117 Cases of Canned Cherries. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 36788. Sample no. 53880–B.)

This case involved an interstate shipment of canned cherries which were represented on the label to be extra large pitted cherries, when they were, in fact, unpitted cherries of various sizes, the weight of the largest cherry being more than 80 percent larger than the smallest.

On December 13, 1935, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 117 cases of canned cherries at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 14 and 27, 1935, by the Cherry Growers Packing Co., from Traverse City, Mich., and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled: "Zeneda Brand Extra Large Dark Sweet Pitted Cherries in Syrup Contents 6 Lb. 9 Oz. Packed by Cherry Growers Packing Company Traverse City, Mich."

The article was alleged to be adulterated in that unpitted cherries of various sizes had been substituted for extra large pitted cherries which the article purported to be.

The article was alleged to be misbranded in that the statement "Extra Large * * * Pitted Cherries", borne on the label, was false and misleading and tended to deceive and mislead the purchaser when applied to a product consisting of unpitted cherries of various sizes. The article was alleged to be misbranded further in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, since the cherries were not of uniform size, the weight of the largest cherry being more than 80 percent in excess of the weight of the smallest, and

the package or label did not bear a plain and conspicuous statement indicating that such canned food fell below such standard.

On January 3, 1936, the Cherry Growers Packing Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled.

W. R. Gregg, *Acting Secretary of Agriculture.*

25909. Adulteration of walnut meats. U. S. v. 100 Cases of Walnut Meats. Consent decree of condemnation. Product released under bond for reconditioning; reconditioning unsuccessful and product destroyed. (F. & D. no. 36790. Sample no. 54418–B.)

This case involved an interstate shipment of walnut meats examination of which showed the presence of moldy. wormy, and rancid meats.

On December 13, 1935, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 cases of walnut meats at Whittier, Calif., alleging that the article had been shipped in interstate commerce on or about December 5, 1935, by the Whittier Walnut Packing Co., from Seattle, Wash., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled: "Twenty-five Pounds Net Weight when packed Bakers Special Walnut Meats Order Whittier Walnut Packing Co. Whittier California."

It was alleged that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On January 24, 1936, the Whittier Walnut Packing Co., claimant having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the product be reconditioned; and after unsuccessful attempts to recondition the product it was destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25910. Adulteration and misbranding of strawberry and raspberry preserves. U. S. v. 30 Cartons, et al., of Alleged Strawberry and Raspberry Preserves. Default decrees of condemnation and destruction in two cases. Consent decree of condemnation, and product ordered released under bond to be relabeled in one case. (F. & D. nos. 36795, 36796, 36797. Sample nos. 43769–B to 43775–B, incl., 44101–B to 44105–B, incl.)

These cases involved interstate shipments of so-called preserves which were found to be deficient in fruit and to contain added pectin.

On December 16, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court three libels praying seizure and condemnation of 257 cartons of so-called strawberry and so-called raspberry preserves at Boston, Mass., alleging that the articles had been shipped in interstate commerce, on or about October 14 and 25, and November 12, 1935, by the Velmo Co., from New York, N. Y., and that they were adulterated and misbranded in violation of the Food and Drugs Act. The articles contained in jars were labeled: "Velmo Brand Pure Preserves Strawberry [or "Raspberry"] 1 Lb. Net weight [or "2 Lbs. Net Weight"] The Velmo Company New York, N. Y."

It was alleged that the articles were adulterated in that mixtures of sugar, water, and pectin had been mixed and packed with the articles so as to reduce and lower and affect their quality; in that mixtures of fruit, sugar, pectin, and moisture, containing less fruit than preserves, had been substituted for preserves; and in that mixtures of sugar, water, and pectin had been mixed with the articles in a manner whereby inferiority was concealed.

It was alleged that the articles were misbranded in that the statements on the labels, "Pure Preserves Strawberry" or "Pure Preserves Raspberry", as the case might be, were false and misleading, and tended to deceive and mislead the purchaser when applied to products resembling preserves but which contained less fruit than preserves; and in that the articles were imitations of and offered for sale under the distinctive names of other articles.

On March 24, 1936, the United Service Stores, Inc., having appeared as claimant and admitted the allegations of the libel in one of the three cases, judgment of condemnation was entered in said case and it was ordered that the products be released under bond conditioned that they be relabeled.

On March 30, 1936, no claimant having appeared in the remaining two cases, judgments of condemnation were entered and it was ordered that the products in said two cases be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25911. Adulteration of wine. U. S. v. 383 Bottles of Wine. Default decree of condemnation and destruction. (F. & D. no. 36798. Sample nos. 40847–B, 40848–B, 40849–B, 40850–B, 40851–B.)

This case involved an interstate shipment of wine which contained fluorine.

On December 16, 1935, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 383 bottles of wine at Portland, Oreg., alleging that the article had been shipped in interstate commerce, on or about December 19, 1934, by Coast Wineries, Inc., from Yakima, Wash., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled variously as follows: (One lot of 60 bottles) "Ambrosia Red Table Wine Contents 24 Fluid Ounces. Alcoholic Content not over 14% by volume. Made from Grapes and Apples"; (lot of 60 bottles) "Ambrosia White Table Wine Contents 24 Fluid Ounces. Alcoholic Content not over 14% by volume. Made from Grapes and Apples"; (lot of 120 bottles) "Red Wine Artificially carbonated Contents 12 Fluid Ounces. Alcoholic Content not over 14% by volume. Made from Grapes and Apples"; (lot of 120 bottles) "White Wine Artificially Carbonated. Contents 12 Fluid Ounces. Alcoholic Content not over 14% by volume. Made from Grapes and Apples"; (lot of 23 bottles) "Muscatel Artificially Carbonated. Contents 12 Fluid Ounces. Alcoholic Content not over 14% by volume."

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, fluorine, which might have rendered it injurious to health.

On February 13, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25912. Adulteration of canned tomatoes. U. S. v. 225 Cases of Canned Tomatoes. Default decree of condemnation and destruction. (F. & D. no. 36809. Sample no. 54065–B.)

This case involved an interstate shipment of canned tomatoes which product was found on examination to consist in part of decomposed tomatoes.

On December 17, 1935, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 225 cases of canned tomatoes at Lock Haven, Pa., alleging that the article had been shipped in interstate commerce on or about October 26, 1934, by W. E. Robinson & Co., from Berkeley Springs, W. Va., and that it was adulterated in violation of the Food and Drugs Act. The cans containing the article were labeled: "Gilt Edge Brand Hand Packed Tomatoes * * *. Packed by Birch Grove Canning Co., Ridge, Morgan County, W. Va."

It was alleged that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On March 31, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25913. Adulteration of canned salmon. U. S. v. 1,175 Cases and 2,304 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond for segregation and destruction of decomposed portion. (F. & D. no. 36813. Sample nos. 54363–B, 54364–B, 54499–B, 54500–B.)

This case involved an interstate shipment of canned salmon which was found to be in part decomposed.

On December 18, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,175 cases of red salmon and 2,304 cases of pink salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about July 29, 1935, by H. T. Domenici, from Uyak Bay, Alaska, and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On February 13, 1936, H. T. Domenici having appeared as claimant and having admitted the allegations of the libel and consented to a decree, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that the decomposed portion be segregated and destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25914. Adulteration of apples. U. S. v. 46 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 36820. Sample nos. 48135–B, 48136–B.)

This case involved an interstate shipment of apples examination of which showed the presence of arsenic and lead which might have rendered them harmful to health.

On November 13, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 46 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 14, 1935, by Albert Rosen (M. Rosen & Sons) from Benton Harbor, Mich., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Alvin Tomoske Sodus, Mich."; "R. Brown Watervliet Mich."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On December 31, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the apples be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25915. Adulteration of apples. U. S. v. 27 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 36823. Sample no. 48171–B.)

This case involved an interstate shipment of apples examination of which showed the presence of arsenic and lead which might have rendered them harmful to health.

On November 27, 1935, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 bushels of apples at Hammond, Ind., alleging that the article had been shipped in interstate commerce on or about November 20, 1935, by Hyman Shlensky & Son, from Coloma, Mich., and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On February 15, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the apples be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25916. Adulteration of crab meat. U. S. v. Stanley R. Harrison, James L. Harrison, and Wilson M. Jarboe, a partnership, trading as Harrison & Jarboe Seafood Co. Pleas of guilty. Fine, $75 and costs. (F. & D. no. 36965. Sample nos. 42127–B, 42129–B, 42141–B.)

This case involved shipments of canned crab meat that consisted in part of a filthy substance due to pollution by fecal *Bacillus coli.*

On March 11, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Stanley R. Harrison, James L. Harrison, and Wilson M. Jarboe, a partnership trading as the Harrison & Jarboe Seafood Co., at St. Michaels, Md., alleging that on or about August 15, August 19, and August 21, 1935, the defendants had shipped from the State of Maryland into the State of Pennsylvania a number of cans of crab meat, and that the article was adulterated in violation of the Food and Drugs Act. The article was labeled: "Regular Net Weight 1 Lb."

The article was alleged to be adulterated in that it consisted in part of filthy substance due to pollution by and containing therein fecal *B. coli.*

On May 15, 1936, pleas of guilty were entered on behalf of the defendants and the court imposed a fine of $75 and costs.

W. R. Gregg, *Acting Secretary of Agriculture.*

25917. Adulteration of salmon. U. S. v. Wrangell Packing Co., a corporation. Plea of guilty. Fine, $301 and costs. (F. & D. no. 36967. Sample nos. 37859–B, 37866–B, 38040–B, 38046–B, 38051–B.)

This case involved shipments of canned salmon that consisted in part of a decomposed animal substance.

On May 15, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Wrangell Packing Co., a corporation, trading at Wrangell, Alaska, alleging that on or about August 1 and September 4, 1935, the defendant had shipped from Alaska to itself in the State of Washington a number of unlabeled cans of salmon, and that the article was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in part of decomposed animal substance.

On June 6, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $301 and costs.

W. R. Gregg, *Acting Secretary of Agriculture.*

25918. Adulteration of canned crab meat. U. S. v. Aubrey B. Harris, trading as A. B. Harris. Plea of guilty. Fine, $150 and costs. (F. & D. no. 36970. Sample nos. 50068–A, 5866–B, 6651–B, 27663–B, 42123–B, 55440–B.)

This case involved shipments of crab meat that consisted in part of a filthy animal substance due to pollution by fecal *Bacillus coli* contained therein.

On March 11, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Aubrey B. Harris, trading as A. B. Harris at Oxford, Md., alleging that between the dates of August 16, 1933, and August 15, 1935, the defendant had shipped from the State of Maryland into the States of Pennsylvania and New Jersey a number of cans of crab meat, and that the article was adulterated in violation of the Food and Drugs Act. The article was variously labeled in part: "Claw Net Weight 1 Lb."; "White Net Weight 1 Lb."; "L Net Weight 1 Lb."; "Lump W Net Weight 1 Lb."

The article was alleged to be adulterated in that it consisted in part of a filthy animal substance due to pollution by and containing therein fecal *B. coli.*

On April 2, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $150 and costs.

W. R. Gregg, *Acting Secretary of Agriculture.*

25919. Adulteration of crab meat. U. S. v. John H. Fleming trading as J. H. Fleming & Co. Plea of guilty. Fine, $10 on count 1. Sentence suspended as to counts 2 to 6 for a period of 3 years. (F. & D. no. 36971. Sample nos. 44120–A, 13977–B, 39737–B, 39744–B, 39754–B, 44118–B.)

This case involved shipments of canned crab meat that consisted in part of a filthy animal substance due to pollution by fecal *Bacillus coli.*

On April 25, 1936, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against John H. Fleming trading as J. H. Fleming & Co., at Portsmouth, Va., alleging that between the dates of August 10, 1933, and July 23, 1935, the said defendant had shipped in various shipments from the State of Virginia into the State of Maryland a number of cans of crab meat, and that the article was adulterated in violation of the Food and Drugs Act. The article was variously labeled in part: "Regular Net Weight * * *"; "Claw Net Weight * * *"; "Special Net Weight * * *"; "C Net Weight * * *"; "R Net Weight * * *."

The article was alleged to be adulterated in that it consisted in part of a filthy animal substance due to pollution by and containing fecal *B. coli.*

On May 11, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $10 on count 1 and sentence was suspended on counts 2 to 6 for a period of 3 years, on condition that the defendant not violate the Food and Drug Act within that period of time.

W. R. Gregg, *Acting Secretary of Agriculture.*

25920. Misbranding of sacks of cottonseed meal, cake, and screenings. U. S. v. Southland Cotton Oil Co., a corporation. Plea of guilty. Fine, $150. (F. & D. no. 36973. Sample nos. 33024–B, 33025–B, 49178–B.)

This case involved shipments of cottonseed meal, cake, and screenings, that contained a smaller amount of protein than indicated on the label.

On June 6, 1936, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district

court an information against the Southland Cotton Oil Co., a corporation, at Waxahachie, Tex., alleging that on or about September 10 and October 24, 1935, the said defendant had shipped from the State of Texas into the State of Kansas a number of sacks of cottonseed meal, cake, and screenings, and that the article was misbranded in violation of the Food and Drugs Act. The article was variously labeled in part: "Net 43% Protein Cottonseed Cake or Meal, Prime Quality, Manufactured by Southland Cotton Oil Co., Waxahachie, Texas, Guaranteed Analysis: Crude Protein (not less than) 43%."

The article was alleged to be misbranded for the reason that the statements, "43% Protein" and "Guaranteed Analysis: Crude Protein (not less than) 43%", on the sack tag, were false and misleading; and for the further reason that the article was labeled so as to deceive and mislead the purchaser since the article contained less than 43 percent of protein, as indicated on the label.

On June 18, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $150.

W. R. Gregg, *Acting Secretary of Agriculture.*

25921. Adulteration of salmon. U. S. v. Deep Sea Salmon Co., a corporation. Plea of guilty. Fine, $10. (F. & D. no. 36974. Samples nos. 38096–B, 40526–B.)

This case involved shipment of salmon that consisted in part of decomposed animal substance.

On May 16, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Deep Sea Salmon Co., a corporation, Seattle, Wash., alleging that on or about July 20, 1935, the defendant had shipped from Skowl Arm, Alaska, to itself in the State of Washington a number of unlabeled code-marked cans of salmon in cases; and alleging that the article was adulterated in violation of the Food and Drugs Act. The cases were labeled in part: "SA U P 8"; and the cans were labeled "A 8."

The article was alleged to be adulterated in that it consisted in part of decomposed animal substance.

On June 6, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $10 and costs.

W. R. Gregg, *Acting Secretary of Agriculture.*

25922. Adulteration of tomato puree and tomato catsup. U. S. v. Henryville Canning Co., a corporation. Plea of guilty. Fine, $50. (F. & D. no. 36986. Sample no. 33595–B, 33596–B.)

This case involved shipment of tomato puree and tomato catsup that consisted in part of decomposed vegetable substance.

On March 17, 1936, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Henryville Canning Co., a corporation, at Henryville, Ind., alleging that on or about September 14, 1935, the defendant had shipped from the State of Indiana into the State of Wisconsin a number of cans of tomato catsup and tomato puree, and that the articles were adulterated in violation of the Food and Drugs Act. The articles were variously labeled in part: "Crystal Springs Brand [design of tomatoes] * * * Tomato Puree. Packed by Henryville Canning Co., Inc., Henryville, Ind."; "Henryville Brand, * * * [design of tomato] Tomato Catsup, Henryville Canning Co., Henryville, Ind."

The articles were alleged to be adulterated in that they consisted in part of decomposed vegetable substances.

On April 11, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $50.

W. R. Gregg, *Acting Secretary of Agriculture.*

25923. Adulteration of frozen eggs. U. S. v. W. W. Butler, Inc. Plea of guilty. Fine, $125. (F. & D. no. 36991. Sample no. 30578–B.)

This case involved interstate shipment of frozen eggs that consisted in part of decomposed, putrid animal substance.

On April 8, 1936, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against W. W. Butler, Inc., at Dallas, Tex., alleging that on or about September 9, 1935, the defendant had shipped from the State of Texas into the State of New York a number of cans of frozen eggs, and that the article was adulterated in violation of the Food and Drugs Act. The article was labeled in part, "Whole Eggs."

The article was alleged to be adulterated in that it consisted in part of decomposed and putrid animal substance.

On June 4, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $125.

W. R. GREGG, *Acting Secretary of Agriculture.*

25924. Adulteration and misbranding of macaroni and spaghetti. U. S. v. Western Macaroni Manufacturing Co., a corporation. Plea of guilty. Fine, $33. (F. & D. no. 36995. Sample nos. 35817–B, 35818–B, 35819–B.)

This case involved shipments of a product made of wheat flour and added yellow artificial color, naphthol yellow S, that had been substituted for high-grade semolina and that concealed inferiority.

On April 11, 1936, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Western Macaroni Manufacturing Co., a corporation, Salt Lake City, Utah, alleging that on or about April 10, 1935, the defendant had shipped in various shipments from the State of Utah into the State of Colorado a number of boxes of macaroni and spaghetti, and that the articles were adulterated and misbranded in violation of the Food and Drugs Act. The article was variously labeled in part: "Diamond Brand 'A' Macaroni Prepared For Diamond 'A' Market-Iacino Brothers Proprietors, Denver, Colo. Spaghetti Made of 100% High Grade Semolina"; "Diamond Brand 'A' Macaroni Prepared for Diamond 'A' Market Iacino Brothers Proprietors, Denver, Colo. Mustacioli Queen's Taste Insuperabile Made of 100% High Grade Semolina"; "Made of 100% High Grade Semolina Ditalini Diamond Brand 'A' Macaroni Prepared For Diamond 'A' Market Iacino Brothers Proprietors, Denver, Colo."

The articles were alleged to be adulterated in that a substance, to wit, a product made of wheat flour and added yellow artificial coloring, naphthol yellow S, had been substituted for an article made of 100 percent high-grade semolina which said article purported to be; and in that said article was colored in a manner whereby inferiority was concealed.

Misbranding was alleged with respect to portions of the products for the reason that the following statements on the labels were false and misleading and tended to deceive and mislead the purchaser, "Macaroni * * * Spaghetti Made of 100% High Grade Semolina", "Macaroni * * * Mustacioli * * * Made Of 100% High Grade Semolina", and "Made of 100% High Grade Semolina Ditalini * * * Macaroni"; and in that they were food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the packages in that the packages bore no statement as to the quantity of the contents therein.

On May 16, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $33.

W. R. GREGG, *Acting Secretary of Agriculture.*

25925. Adulteration of tomato catsup. U. S. v. The Red Wing Co., Inc. Plea of guilty. Fine, $100. (F. & D. no. 36996. Sample no. 35195–B, 43465–B.)

This case involved interstate shipment of tomato catsup that consisted in part of a decomposed vegetable substance.

On April 6, 1936, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Red Wing Co., Inc., Fredonia, N. Y., alleging that on or about June 29, 1935, the defendant had shipped from the State of New York into the State of Ohio a number of bottles of tomato catsup, and that the article was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Dot 'Dot's Good' * * * Tomato Catsup, Distributed by The Janszen Company, Cincinnati, Ohio."

The article was alleged to be adulterated in that it consisted in part of a decomposed vegetable substance.

On July 13, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $100.

W. R. GREGG, *Acting Secretary of Agriculture.*

25926. Adulteration of cabbage and cauliflower. U. S. v. Sterling H. Nelson Co., a corporation. Plea of guilty. Fine, $26. (F. & D. no. 36999. Sample nos. 15978–B, 39667–B.)

This case involved shipments of cabbage and cauliflower that contained arsenic and lead in amounts that might have rendered the articles injurious to health.

On April 28, 1936, the United States attorney for the District of Utah filed in the district court an information against Sterling H. Nelson Co., a corporation at Salt Lake City, Utah, alleging that on or about August 18 and September 12, 1935, the defendant had shipped from the State of Utah into the States of California and Missouri quantities of cabbage and cauliflower, and charging that the articles were adulterated in violation of the Food and Drugs Act. The articles were shipped under the name of "S. H. Nelson."

The articles were alleged to be adulterated in that they contained added poisonous and deleterious ingredients, namely, arsenic and lead, in an amount that might have rendered them injurious to health.

On May 9, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $26.

W. R. Gregg, *Acting Secretary of Agriculture.*

25927. Adulteration of salmon. U. S. v. W. R. Gilbert Co., Inc. Plea of guilty. Fine, $25. (F. & D. no. 37005. Sample nos. 37974–B, 37978–B, 37988–B, 37998–B, 38016–B, 40408–B, 40410–B, 40411–B, 40425–B, 40427–B.)

This case involved shipments of salmon that consisted in part of decomposed and putrid animal substance.

On May 9, 1936, the United States attorney for the Third Division of the District of Alaska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against W. R. Gilbert Co., Inc., trading at Cordova, Alaska, alleging that between the dates of June 13 and July 13, 1935, the defendant had shipped from Cordova, Alaska, into the State of Washington a number of unlabeled cans of salmon, and that the article was adulterated in violation of the Food and Drugs Act.

A portion of the article was alleged to be adulterated in that it consisted in part of decomposed and putrid animal substance, and the remainder was alleged to be adulterated in that it consisted in part of a decomposed substance.

On June 23, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $25 and costs.

W. R. Gregg, *Acting Secretary of Agriculture.*

25928. Adulteration of walnut meats. U. S. v. The L. Demartini Co., a corporation. Plea of guilty. Fine, $100. (F. & D. no. 37014. Sample no. 60555–B.)

This case involved shipment of walnut meats that were in part wormy and moldy.

On June 6, 1936, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the L. Demartini Co., a corporation at San Francisco, Calif., alleging that on or about November 4, 1935, the defendant had shipped from San Francisco, Calif., into the State of Colorado a number of cartons of walnut meats, and that the article was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Special Walnut Meats * * * Morey Merc. Co., Denver, Col."

The article was alleged to be adulterated in that it consisted in part of filthy and decomposed vegetable substance.

On June 9, 1936, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $100.

W. R. Gregg, *Acting Secretary of Agriculture.*

25929. Adulteration of canned salmon. U. S. v. Herbert Heglin. Plea of guilty. Fine, $25 and costs. (F. & D. no. 37015. Sample nos. 64939–B, 64949–B.)

This case involved shipment of canned salmon that consisted in part of a decomposed animal substance.

On May 5, 1936, the United States attorney for the third division of the District of Alaska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Herbert Heglin, at Halibut Bay, Alaska, alleging that on or about August 24, 1935, the defendant had shipped from Alaska into the State of Washington, under the name of the Halibut Bay Packing Co., a number of unlabeled cans of salmon, and that the article was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in part of decomposed animal substance.

On May 25, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $25 and costs.

W. R. Gregg, *Acting Secretary of Agriculture.*

25930. Misbranding of butter. U. S. v. Cannon S. Wray. Plea of guilty. Fine, $50. (F. & D. no. 37017. Sample no. 38717–B.)

This case involved a shipment of butter that was short-weight.

On May 5, 1936, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Cannon S. Wray, doing business at Afton, Wyo., alleging that on or about November 11, 1935, the defendant had shipped from the State of Wyoming into the State of Utah a quantity of butter, and charging that the article was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: "1 Lb. Net, Monogram Creamery Butter, The Cudahy Packing Co., Distributors, General Offices Chicago."

The article was alleged to be misbranded in that the statement "1 Lb. Net", borne on the packages, was false and misleading and in that the said statement was borne on the packages so as to deceive and mislead the purchaser, since each of a large number of the packages examined contained less than 1 pound net of said article. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages since the statement made was incorrect.

On May 11, 1936, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of $50.

W. R. Gregg, *Acting Secretary of Agriculture.*

25931. Adulteration of walnut meats. U. S. v. Meyer Joe Laff. Plea of guilty. Fine, $200. (F. & D. no. 37018. Sample no. 38711–B.)

This case involved shipment of walnut meats that were in part worm-eaten and moldy.

On April 29, 1936, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Meyer Joe Laff at Los Angeles, Calif., alleging that on or about November 5, 1935, the defendant had shipped from the State of California into the State of Utah a number of cartons of walnut meats, and that the article was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Walnut Meats, Special Amber * * *."

The article was alleged to be adulterated in that it consisted in part of a filthy and decomposed vegetable substance.

On June 8, 1936, a plea of guilty was entered by the defendant and the court imposed a fine of $200.

W. R. Gregg, *Acting Secretary of Agriculture.*

25932. Adulteration and misbranding of canned sardines. U. S. v. Hovden Food Products Corporation. Plea of guilty. Fine, $150. (F. & D. no. 37019. Sample nos. 27148–B, 47188–B, 47189–B, 47190–B, 53882–B.)

This case involved canned sardines packed in a mixture of sesame oil and olive oil, which were represented to be sardines packed in olive oil.

On June 2, 1936, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Hovden Food Products Corporation at Monterey, Calif., alleging that on or about October 10, October 29, and October 30, 1935, the defendant had shipped from the State of California into the States of Nevada, Missouri, and Pennsylvania a number of cans of sardines, and that said article was adulterated and misbranded in violation of the Food and Drugs Act. The article was variously labeled in part: "Boneless Peeled Portola Sardines in Pure Olive Oil"; "Filets of Sardines in Olive Oil"; "Smoked Filets of Sardines in Olive Oil"; "Boneless Peeled Sardines in Olive Oil"; "Hovden * * * Filets of Sardines, Fancy Pack in Olive Oil." All the cans were further labeled in part: "Hovden Food Products Corp., Monterey, California."

The article was alleged to be adulterated in that a product consisting of sardines packed in a mixture of sesame oil and olive oil had been substituted for sardines packed in olive oil, which said article purported to be.

The article was alleged to be misbranded in that the statements, "Sardines in pure Olive Oil" and "Sardines in Olive Oil", borne on the cans, were false and misleading and in that said statements were borne on the cans so as to deceive and mislead the purchaser.

On June 11, 1936, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $150.

W. R. Gregg, *Acting Secretary of Agriculture.*

25933. Adulteration of canned salmon. U. S. v. Herbert T. Domenici ("H. T." or "Herbert T." Domenici Cannery). Plea of guilty. Fine, $25 and costs. (F. & D. no. 37043. Sample nos. 54363–B, 54364–B, 54499–B, 54500–B, 64969–B, 65135–B.)

This case involved shipment of canned salmon that consisted in part of a decomposed animal substance.

On June 22, 1936, the United States attorney for the third division of the District of Alaska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Herbert T. Domenici, trading as the H. T. Domenici Cannery and the Herbert T. Domenici Cannery, at Uyak Bay, Alaska, alleging that on or about July 29 and August 6, 1935, the defendant had shipped from Alaska into the State of Washington a quantity of canned salmon, and that the article was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in part of a decomposed animal substance.

On July 16, 1936, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $25 and costs.

W. R. Gregg, *Acting Secretary of Agriculture.*

25934. Adulteration and misbranding of butter. U. S. v. Jefferson Creamery, Inc. Plea of guilty. Fine, $25. (F. & D. no. 37057. Sample no. 53052–B.)

This case involved a shipment of butter that was deficient in milk fat.

On July 25, 1936, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Jefferson Creamery, Inc., trading at Americus, Ga., alleging that on or about February 10, 1936, the defendant shipped from Americus, Ga., into the State of Florida a number of packages of butter, and that the article was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Land O'Sunshine Creamery Butter * * * Jefferson Creamery, Americus, Georgia."

The article was alleged to be adulterated in that a substance containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat, which the article purported to be.

The article was alleged to be misbranded in that the statement "Butter", borne on the packages and wrappers, was false and misleading and in that it was labeled so as to deceive and mislead the purchaser.

On July 25, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $25.

W. R. Gregg, *Acting Secretary of Agriculture.*

25935. Adulteration and misbranding of dog and cat food. U. S. v. 6 Cases and 70 Cases of Dog and Cat Food. Default decree of condemnation and destruction. (F. & D. no. 37079. Sample nos. 8708–B, 46369–B.)

This case involved shipments of dog and cat foot in which viscera, lungs, segments of intestines, tissue from the trachea, lips, and stomach; glandular tissue, and predigested material from stomachs of animals had been substituted for meat and glandular organs from beef and lamb which the article purported to contain.

On January 20, 1936, the United States attorney for the District of Nevada, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 76 cases, each containing 48 cans of dog and cat food, at Reno, Nev., alleging that the article had been shipped in interstate commerce on or about November 5 and December 26, 1935, by the James-Force Co., of San Francisco, Calif., from San Jose, Calif., and charging that the article was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Old English Dog and Cat Food * * * Economy and quality is the watch word. Best Yet Canning Company, San Jose, California. Contains: Meat and glandular organs from beef and lamb, vegetables, cereals and everything for proper growth of dogs and cats."

The article was alleged to be adulterated in that viscera, lungs, intestine segments, tissue from trachea, lips, stomachs, glandular tissue and predigested material from stomachs of animals had been substituted for meat and glandular organs from beef and lamb, which the article purported to contain.

The article was alleged to be misbranded in that the statements, "* * * quality is the watchword. * * * Meat and glandular organs from beef and

lamb * * * for the proper growth of dogs and cats", were false and misleading and tended to deceive and mislead the purchaser.

On June 13, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25936. Adulteration and misbranding of wine grape sirup. U. S. v. 176 Cases and 33 Cases of Wine Grape Syrup. Consent decrees of condemnation. Product ordered released under bond to be relabeled. (F. & D. nos. 37094, 37095. Sample nos. 41222–B, 41223–B.)

This product consisted of a mixture of dextrose, sucrose, tartaric acid, and approximately 25 percent of concentrated grape juice which was sold as wine grape sirup. A portion also contained artificial color.

On January 24, 1936, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 209 cases, each containing 12 cans of wine grape sirup, at Le Center, Minn., consigned in part by Wine Syrup Ltd., from Los Angeles, Calif., on or about October 17, 1935, and in part by Crooks Terminal, from Chicago, Ill., on or about December 2, 1935, alleging that the article had been shipped in interstate commerce, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "California wine grape syrup Dry Burgundy [or "Sweet Port"] Type Makes one gallon delicious wine"; (case) "From Wine Syrup Limited, Los Angeles, California."

The article was alleged to be adulterated in that a mixture of dextrose, sucrose, and tartaric acid—and in the case of the Burgundy, artificial color—had been mixed and packed with the article so as to reduce and lower its quality; and in that a mixture had been substituted in part for wine grape sirup. The Burgundy was alleged to be further adulterated in that it was mixed and colored in a manner whereby inferiority was concealed.

The article was alleged to be misbranded in that the statements on the labels, "Wine Grape Syrup * * * Makes one gallon delicious Wine", were false and misleading and tended to deceive and mislead the purchaser, and in that the article was an imitation of and was offered for sale under the distinctive name of another article.

On June 22, 1936, the Spors Co., claimant, having consented to the entry of decrees, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

W. R. GREGG, *Acting Secretary of Agriculture.*

25937. Adulteration of crab apples. U. S. v. 20 Bushels of Crab Apples. Default decree of condemnation and destruction. (F. & D. no. 37249. Sample no. 48290–B.)

This case involved a shipment of crab apples that were contaminated with arsenic and lead.

On December 5, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 bushels of crab apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 13, 1935, by Wm. F. Clark, from Lawrence, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Hyslop Crabs Wm. F. Clark Lawrence Mich."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On February 3, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25938. Adulteration of crab apples. U. S. v. 14 Bushels of Crab Apples. Default decree of condemnation and destruction. (F. & D. no. 37250. Sample no. 47391–B.)

This case involved a shipment of crab apples which were contaminated with arsenic and lead.

On October 4, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 bushels of crab apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 27, 1935, by Tony Megna, from Coloma, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Grown and packed by A C Hussey Coloma Mich."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On December 2, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25939. Adulteration of cream. U. S. v. Two 10-Gallon Cans and One 5-Gallon Can of Cream. Consent decree of destruction. (F. & D. no. 37251. Sample no. 60597–B.)

This case involved cream which was found to be filthy and in various stages of decomposition.

On January 8, 1936, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two 10-gallon cans and one 5-gallon can of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce, in part on or about January 4, 1936, and in part on or about January 5, 1936, in various shipments by C. E. Smith, Oconto, Nebr.; W. J. Baller, Merna, Nebr.; and N. B. Spencer, Morrill, Nebr., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was cheesy, yeasty, moldy, rancid, filthy, putrid, and decomposed.

On January 8, 1936, the Gold Coin Creamery Co., Denver, Colo., the consignee, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product be destroyed immediately.

W. R. Gregg, *Acting Secretary of Agriculture.*

25940. Adulteration of cream. U. S. v. Two 5-Gallon Cans of Cream. Consent decree of condemnation and destruction. (F. & D. no. 37252. Sample no. 60708–B.)

This case involved cream which was found to be filthy and in various stages of decomposition.

On January 8, 1936, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two 5-gallon cans of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce on or about January 5, 1936, by W. Steadman, Throckmorton, Tex., and A. C. Hubbard, Olney, Tex., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was cheesy, yeasty, moldy, rancid, filthy, putrid, and decomposed.

On January 8, 1936, the Farmers & Merchants Creamery Co., Denver, Colo., the consignee, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product be destroyed immediately.

W. R. Gregg, *Acting Secretary of Agriculture.*

25941. Misbranding and alleged adulteration of potatoes. U. S. v. 412 Bags of Potatoes. Default decree of condemnation and sale. (F. & D. no. 37259. Sample no. 44164–B.)

This case involved a shipment of potatoes that were below the grade declared on the label.

On February 28, 1936, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 412 bags of potatoes at Newport, R. I., alleging that the article had been shipped in interstate commerce on or about February 13, 1936, by Chapin Bros., from Charlestown, Mass., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "U. S. Grade No. 1 Maine Potatoes Wheel Brand American Fruit Growers Washburn, Maine."

The article was alleged to be adulterated in that potatoes below U. S. grade No. 1 had been substituted in part for U. S. grade No. 1 potatoes which the article purported to be.

Misbranding was alleged for the reason that the statement on the label, "U. S. Grade No. 1", was false and misleading and tended to deceive and mislead the purchaser.

On March 12, 1936, no claimant having appeared, judgment was entered finding the product misbranded and ordering that it be condemned and sold.

W. R. Gregg, *Acting Secretary of Agriculture.*

25942. Misbranding of canned peas. U. S. v. 90 Cases of Canned Peas, and other actions. Decrees of condemnation. Portion of product released under bond for relabeling; remainder ordered destroyed. (F. & D. nos. 37260, 37346, 37347, 37691. Sample nos. 46946–B, 62716–B, 62717–B, 65520–B.)

These cases involved canned peas that were substandard and were not labeled to indicate that fact.

On February 28, 1936, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 90 cases of canned peas at Providence, R. I. On March 11, 1936, and April 29, 1936, libels were filed against 850 cases of canned peas at Washington, D. C., and 692 cases of peas at San Francisco, Calif., respectively. The libels alleged that the article had been shipped in interstate commerce in various shipments on or about July 1, 1935, January 24, February 5, and February 9, 1936, by the H. J. McGrath Co., from Baltimore, Md., and that it was misbranded in violation of the Food and Drugs Act as amended. The article was labeled, variously: "Lagoon Brand Early June Peas Chas. G. Summers, Jr., Incorporated Distributors New Freedom, Pa."; "Sunshade early June Peas * * * Packed exclusively for District Grocery Stores, Inc. Washington, D. C."; "J. M. Berry Brand Early June Peas * * * The H. J. McGrath Co. Baltimore, Md. U. S. A. Distributors."; "Xtra Value Peas net weight 1 lb. 4 oz. packed for Smith Lynden and Company, San Francisco."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the peas were not immature, and its package or label did not bear a plain and conspicuous statement as prescribed by regulation of this Department, indicating that it fell below such standard.

On March 12, 1936, no claimant having appeared for the lot seized at Providence, R. I., judgment of condemnation was entered and it was ordered that the said lot be destroyed. On April 21 and June 6, 1936, the H. J. McGrath Co. having filed a claim for the lots seized at Washington, D. C., and San Francisco, Calif., and having admitted the allegations of the libels, judgments of condemnation were entered and it was ordered that the product be released under bond, conditioned that it be relabeled under the supervision of this Department.

W. R. Gregg, *Acting Secretary of Agriculture.*

25943. Misbranding of vanilla extract. U. S. v. 960 Bottles of Vanilla Extract. Default decree of condemnation. Product sold and proceeds paid into U. S. Treasury. (F. & D. no. 37263. Sample no. 53056–B.)

This case involved shipment of vanilla extract that was short in volume.

On February 28, 1936, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 960 bottles of vanilla extract at Fort McPherson, Ga., alleging that the article had been shipped in interstate commerce on or about February 5, 1936, by the Schloss & Kahn Grocery Co., from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Bottle) "Cooks Betty Smart * * * Contents 8 fld. ozs., Pure Vanilla Extract * * * Cook's Food Products, Chicago"; (carton) "$1 Size 8 Fluid Ounces. Cook's Betty Smart * * * Contents 8 fld. ozs. Pure Vanilla Extract * * * Cook's Food Products, Chicago."

The article was alleged to be misbranded in that the statements, (carton) "8 Fluid Ounces" and "Contents 8 fld. ozs.", and (bottle) "Contents 8 fld. ozs.", were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing less than 8 fluid ounces; and in that it was food in package form and the quantity of the contents was not plainly and

conspicuously marked on the outside of the package since the quantity stated was not correct.

On April 25, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be sold and the proceeds paid into the Treasury of the United States.

W. R. Gregg, *Acting Secretary of Agriculture.*

25944. Misbranding and alleged adulteration of peach preserves. U. S. v. One Hundred and Forty-eight 1-pound Jars and Twelve 4-pound Jars of Alleged Peach Preserves. Default decree of condemnation and destruction. (F. & D. no. 37272. Sample nos. 65457–B, 65458–B.)

This case involved alleged peach preserves which were deficient in fruit and contained added acid.

On February 29, 1936, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 160 jars of alleged peach preserves at Pawtucket, R. I., alleging that the article had been shipped in interstate commerce on or about September 25, 1935, from Brooklyn, N. Y., by the Sambo Dairy Products, Inc., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Blue Bell Peach Preserves * * * Sambo Dairy Products, Inc. Brooklyn, N. Y."

The article was alleged to be adulterated in that a mixture of sugar, acid, and water had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality, in that an insufficiently concentrated mixture of fruit, sugar, and acid containing less fruit than preserves contain, had been substituted for preserves; and in that a mixture of sugar, acid, and water had been mixed with the article in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statement "Peach Preserves", borne on the label, was false and misleading and tended to deceive and mislead the purchaser when applied to a product resembling preserves but which contained less fruit than preserves contain—the deficiency in fruit being concealed by the addition of acid and excess sugar—and which contained moisture which should have been removed. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On March 18, 1936, no claimant having appeared, judgment was entered finding the product misbranded and ordering that it be condemned and destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25945. Misbranding and alleged adulteration of strawberry preserves. U. S. v. 9 Cases of Strawberry Preserves. Default decree of condemnation and destruction. (F. & D. no. 37282. Sample no. 65467–B.)

This case involved alleged strawberry preserves which were found to consist of an insufficiently concentrated mixture of fruit and sugar containing added acid and pectin.

On March 4, 1936, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine cases of strawberry preserves at Rumford (East Providence), R. I., alleging that the article had been shipped in interstate commerce on or about January 8, 1936, by the Mayflower Products Inc., from South Boston, Mass., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Singer Brand * * * Pure Strawberry Preserves Packed for Singer Tea Co. Providence, R. I."

The article was alleged to be adulterated in that acid and pectin had been mixed and packed with the article so as to reduce or lower its quality; in that an insufficiently concentrated mixture of fruit, sugar, acid, and pectin had been substituted for preserves; and in that acid and pectin had been mixed with the article in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the designation "Pure Strawberry Preserves" was false and misleading, and deceived and misled the purchaser when applied to a product that resembled preserves but which was insufficiently concentrated and contained added acid and pectin. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On March 18, 1936, no claimant having appeared, judgment was entered finding the product misbranded and ordering that it be condemned and destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25946. Adulteration and misbranding of olive oil. U. S. v. Five 1-Gallon Cans, Four ½-Gallon Cans, Forty-five ½-Pint Cans, and 21 other libel proceedings against alleged olive oil. Decrees of condemnation. Portion of product released under bond to be relabeled; remainder destroyed, sold, or delivered to charitable institutions. (F. & D. nos. 37288, 37291, 37293, 37294, 37298 to 37301, incl., 37303, 37306, 37320, 37323, 37331, 37332, 37334, 37342, 37362, 37377, 37397, 37398, 37471, 37472. Sample nos. 29918–B, 43886–B, 49276–B, 52160–B, 56423–B, 60849–B, 61024–B, 61025–B, 61205–B, 63117–B, 63125–B, 63126–B, 63127–B, 65607–B, 65609–B to 65613–B, incl., 65625–B, 65626–B, 65627–B, 65710–B to 65716–B, incl., 65718–B, 65719–B, 65721–B, 65722–B, 65878–B, 65879–B, 65880–B, 66017–B, 66039–B to 66042–B, incl.)

These cases involved shipments of alleged olive oil that contained tea-seed oil, of which a portion was short in volume.

On or about March 4, 1936, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five 1-gallon cans, four ½-gallon cans, forty-five ½-pint cans, and 130 cases of alleged olive oil at Stamford, Conn. Between the dates of March 4, 1936, and April 13, 1936, libels were filed against 155 cartons, 4,456 bottles, and 80 cases of alleged olive oil at Boston, Mass.; 381 bottles of the product at Brockton, Mass.; 597 bottles at Plainville, Mass., 51½ cartons at Worcester, Mass.; 99 bottles at Denver, Colo.; 19⅚ dozen bottles at Portland, Maine; 17 cases, 33 cartons, 43½ dozen bottles, and 12 jugs at St. Paul, Minn.; 477 bottles at Manchester, N. H.; 333 bottles at Charleroi, Pa.; 450 bottles at Tulsa, Okla.; 47½ bottles at Columbus, Ohio; and 12 cartons at Birmingham, Ala. It was alleged in the libels that the article had been shipped in interstate commerce between the dates of January 7, 1935, and March 21, 1936, in part by the De Luca Olive Oil Co., in part by A. J. Capone Co., Inc., from New York, N. Y., and in part by Gus Sclafani from the premises of the De Luca Olive Oil Co., New York, N. Y., and that it was adulterated and misbranded in violation of the Food and Drugs Act as amended.

The article was alleged to be adulterated in that tea-seed oil had been mixed and packed therewith so as to reduce or lower its quality or strength and in that tea-seed oil had been substituted in whole or in part for olive oil, which the article purported to be.

The article was alleged to be misbranded in that the following statements appearing on the labels were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing tea-seed oil: (Labeled variously on bottles and jugs) "Olio d'Oliva * * * DeLuca", "Pure Imported Olive Oil deLuca", "Pure imported Olive Oil", "Pure Olive Oil * * * DeLuca", "Olive Oil", (on portion of cans) "Puro Olio D'Oliva * * * DeLuca * * * Qualita Sublime Importato dal Italia Questo Olio di Oliva e garantito puro sotto qualsiasi analisi chimica perche ricavato soltanto da olive mature scelte e confezionato nelle migliori condizioni igieniche", "Pure Olive Oil * * * DeLuca * * * The Best Quality Imported from Italy This Olive Oil is guaranteed to be absolutely pure under chemical analysis because it is pressed only from selected ripe olives * * * [design of olive branches]"; (on remainder of cans) "Pure Imported Olive Oil None Better * * * Importato Puro Olio D'Oliva This olive oil is guaranteed to be absolutely pure and indisputably better than that of any other origin both for its natural goodness and exceptional purity * * * Questo Oilo e garantito di pura oliva e indiscutibilmente superiore e quello di qualsiasi altra origine sia per la sua naturale bonta che per la sua special raffinatezza, Imported Olive Oil [Design of olive branches with olives]." Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, namely, olive oil. Misbranding was alleged with respect to portions of the article for the further reason that the statements, "Half Gallon", "One Quart", "One Full Gallon * * * Un Gallone Intero", "Half Full Gallon * * * Mezzo Gallone Intero", "One Full Quart * * * Un Quarto Intero", "One Full Half Pint * * * ⅛ Gallone Intero", "Net Conts. 4 Fl. Ozs.", "Net Conts. 8 Fl. Ozs.", and "6 Fl. Oz.", appearing on the labels were false and misleading and tended to deceive and mislead the purchaser when applied to a product in containers that were short of the declared volume; and for the further reason that the said portions were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the statement made was not correct.

On September 8, 1936, A. J. Capone Co., Inc., having appeared as claimant for the lots seized in Massachusetts and having admitted the allegations of the libels, judgment of condemnation was entered and it was ordered that the product covered by the said libels be released under bond conditioned that it be relabeled under the supervision of this Department. Between the dates of May 18, 1936, and August 13, 1936, no claim having been entered for the remaining lots, judgments of condemnation were entered. Most of the said lots were ordered destroyed and the remainder were ordered sold or delivered to charitable institutions.

W. R. Gregg, *Acting Secretary of Agriculture.*

25947. Adulteration and misbranding of olive oil. U. S. v. 187 Cans of Olive Oil. Default decree of condemnation. Product ordered delivered to local charitable institutions. (F. & D. no. 37338. Sample no. 62311–B.)

This case involved an interstate shipment of so-called olive oil that contained tea-seed oil and was in cans that were short in volume.

On or about March 12, 1936, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 187 cans of so-called olive oil at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about February 6, 1936, by A. J. Capone Co., Inc., from New York, N. Y., and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article, contained in cans of various sizes, was labeled: (Main panels) "One Gallon [or "Half Gallon", "One Quart", "One Pint", or "One Half Pint"] Cora Brand None Better Pure Imported Olive Oil Marca Cora None Better Importato Puro Olio d'Oliva"; (side panels) "This Olive Oil is Guaranteed to be Absolutely Pure and Indisputably Better than that of any other origin both for its natural goodness and exceptional purity * * * Questo Olio e guarantito di pura oliva. E indiscutibilmente superiore e quello di qualsia si altra origine sia per la sua naturale bonta che per la sua speciale raffina-tezza * * * "; (top) "Imported Olive Oil."

The article, except the portion in the 1-quart cans, was alleged to be adulterated in that tea-seed oil had been mixed and packed with the article so as to reduce or lower its quality or strength, and in that tea-seed oil had been substituted in whole or in part for olive oil, which the article purported to be.

The article, except the portion in the 1-quart cans, was alleged to be misbranded in that the following statements and designs appearing on the labels were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing tea-seed oil: "Pure Imported Olive Oil * * * Importato Puro Olio d'Oliva * * * This Olive Oil is guaranteed to be absolutely pure and indisputably better than that of any other origin, both for its natural goodness and exceptional purity * * * Questo olio e guarantito di pura oliva. E indiscutibilmente superiore a quello di qualsia si altra origine sia per la sua naturale bonta che per la sua speciale raffinatezza. [Designs of olive branches]." The article, except the portion in the 1-quart cans, was alleged to be misbranded further in that it was offered for sale under the distinctive name of another article, namely, olive oil. The article in the cans of all sizes was alleged to be misbranded in that the statements, "One Gallon", "Half Gallon", "One Quart", and "One Pint", appearing on the labels of the cans of various sizes were false and misleading and tended to deceive and mislead the purchaser when applied to a product the cans of which were short in volume.

The article in the cans of all sizes was alleged to be misbranded further in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On May 21, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product while subject to forfeiture, was suitable for human consumption and should be delivered to charitable institutions.

W. R. Gregg, *Acting Secretary of Agriculture.*

25948. Adulteration and misbranding of olive oil. U. S. v. 8 and 23 Cans of Alleged Olive Oil. Default decree of condemnation and destruction. (F. & D. nos. 37389, 37390. Sample nos. 43873–B, 43874–B, 43875–B.)

These cases involved two interstate shipments of so-called olive oil that contained tea-seed oil; the cans containing the oil in one shipment were short in volume.

On March 26, 1936, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the district court two libels, one praying seizure and condemnation of 8 cans; and the other, 23 cans of so-called olive oil at Portland, Maine, alleging that the article had been shipped in interstate commerce on or about November 8, 1935, by the A. Accardi Co., from Boston, Mass., and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article was described on the label as "Lola Brand Extra 1 Olio Puro d'Oliva Sublime."

The article in the lot of 8 cans and in the lot of 23 cans was alleged to be adulterated in that tea-seed oil had been mixed and packed with the article so as to reduce or lower its quality or strength, and in that tea-seed oil had been substituted in whole or in part for olive oil, which the product purported to be.

The article in the lot of 8 cans and in the lot of 23 cans was alleged to be misbranded in that the following statements and designs appearing on the cans were false and misleading and tended to deceive and mislead the purchaser, when applied to a product containing tea-seed oil: A map of Italy and designs of olive branches and gold medals, and the statements, "Puro Olio Vergine D'Oliva La Migliore * * * Extra 1 Lucca Italy Olio Puro d'Oliva Sublime", "The Olive Oil contained in this can is pressed from fresh picked high grown fruit, packed by the grower under the best sanitary condition, and guaranteed to be absolutely pure under any chemical analysis. The producer begs to recommend to the consumer to destroy this can as soon as empty in order to prevent unscrupulous dealers from refilling it with adulterated Oil or Oil of an inferior quality. The producer warns all such dealers that he will proceed against them to the full extent of the law. * * * L'Olio d'Oliva contenuto in questa latta e ottenuto dal miglior frutto appena colto confezionato dal produttore nelle migliori condizioni igieniche e garantito puro a qualsiasi analisi chimica. Il produttore raccomanda al consumatore di distruggere questa latta appena vuota affine di eviltare che poco scrupolosi rivenditori la riempiano con olii adulteratio con olii di qualita inferiore. Il produttore avverte tali rivenditori che procedera contro di loro a termini di legge", and "Imported from Italy." The article in the lot of 8 cans and in the lot of 23 cans was alleged to be misbranded further in that it was offered for sale under the distinctive name of another article, namely, olive oil. The article in the lot of 23 cans was alleged to be misbranded in that the statements appearing on the cans, "One Gallon" or "One Quart", as the case might be, were false and misleading and tended to deceive and mislead the purchaser when applied to a product which was short in volume; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On April 7, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25949. Adulteration and misbranding of olive oil. U. S. v. Five Cans of Alleged Olive Oil, and three other actions. Default decrees of condemnation and destruction. (F. & D. nos. 37439, 37440, 37441, 37442. Sample nos. 61232–B, 61235–B, 61236–B, 61237–B.)

These cases involved interstate shipments of so-called olive oil that contained tea-seed oil.

On March 27, 1936, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the district court four libels, each praying seizure and condemnation of five 1-gallon cans of so-called olive oil at Jersey City, N. J., in two instances, and at Madison, N. J., in the other two instances, alleging that the article had been shipped in interstate commerce on or about October 12, 1935, and January 11 and February 8, 1936, by Cosimo Daniele, from New York, N. Y., and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled: "Imported Product The best you can buy Lido Brand Superfine First Quality Extra Olive Oil Net Contents one Gallon C. Daniele New York, N. Y."

The article was alleged to be adulterated in that tea-seed oil had been mixed and packed with the article so as to reduce or lower its quality or strength, and in that tea-seed oil had been substituted in whole or in part for olive oil, which the article purported to be.

The article was alleged to be misbranded in that the following statements and designs appearing on the labels were false and misleading and tended

to deceive and mislead the purchaser when applied to a product containing tea-seed oil: (Main panels) "[A Venetian scene] Imported Product The best you can buy Lido * * * Superfine First Quality Extra Olive Oil Insuperable Lido * * * This oil is guaranteed pure under chemical analysis, and is recommended for medicinal as well as for table use. * * * Prodotto Importato L'olis migliore che voc' potete comperere * * * Lido Soprafino prima qualita Olio d'Oliva Extra * * * Lido Quest'olio e garantito puro all'analisi chimica. Per la sua estrema bonta e raccomandato anche per uso medicinale Insuperabile"; (top of can) "* * * Lido Prodotto Importato." The article was alleged to be misbranded further in that it was offered for sale under the distinctive name of another article.

On May 22, 1936, no claimant having appeared, decrees of condemnation were entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25950. Adulteration and misbranding of tomato juice. U. S. v. 214 Cases and 844 Cases of Tomato Juice. Decree ordering payment of costs and release of product under bond. (F. & D. nos. 37513, 37645. Sample nos. 62394-B, 62407-B.)

These cases involved shipments of tomato juice that was diluted with water.

On April 3 and May 5, 1936, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 214 cases and 844 cases of tomato juice at Dallas, Tex., alleging that the article had been shipped in interstate commerce on or about November 23, 1935, and January 2, 1936, by Libby, McNeill & Libby, from the State of Colorado, and charging adulteration of that portion of the article labeled in part, "Libby's Fancy Tomato Juice, Libby, McNeill and Libby, Chicago"; and adulteration and misbranding of that portion of the article labeled in part, "Swift's Fancy Tomato Juice * * * Swift and Company, Distributors, General Offices, Chicago", in violation of the Food and Drugs Act.

The article in each shipment was alleged to be adulterated in that water had been mixed and packed with the article so as to reduce or lower its quality or strength and in that water had been substituted wholly or in part for the article.

The article labeled "Swift's Fancy Tomato Juice" was alleged to be misbranded in that the statement "Tomato Juice" was false and misleading and tended to deceive and mislead the purchaser.

On June 1, 1936, the cases having been combined, Libby, McNeill & Libby, claimant for the article having appeared and requested the return of the article, the court entered a decree ordering the payment of costs and the release of said article under bond, on condition that the article should not be sold or disposed of contrary to the provisions of the Food and Drugs Act.

W. R. Gregg, *Acting Secretary of Agriculture.*

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[1] Contains an opinion of the court.

U. S. GOVERNMENT PRINTING OFFICE: 1937

N. J., F. D. 25951–26000 Issued January 1937

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

25951–26000

[Approved by the Acting Secretary of Agriculture, Washington, D. C., December 5, 1936]

25951. Adulteration of pears. U. S. v. One hundred and sixty 1-Bushel Baskets, more or less, of Pears. Consent decree of destruction. (F. & D. no. 33414. Sample nos. 3661–B, 3662–B.)

This case involved a shipment of pears which showed the presence of lead in an amount that might have rendered them injurious to health.

On August 14, 1934, the United States attorney for the District of Minnesota, acting upon reports by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 160 1-bushel baskets of pears at Mankato, Minn., alleging that the article had been shipped in interstate commerce on or about August 4, 1934, by the Pacific Fruit & Produce Co., Clifton, Colo., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or other deleterious ingredient, lead, that might have rendered it injurious to health.

On August 28, 1936, no claimant having appeared, a petition, with the consent of the consignee, was filed requesting that the pears be destroyed at once as a public nuisance, since the article was rapidly decomposing. On August 28, 1936, the consignee having so requested, judgment was entered and the article was ordered destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

25952. Adulteration and misbranding of evaporated apples. U. S. v. Rosenberg Bros. & Co. Plea of guilty. Fine, $200. (F. & D. no. 33813. Sample no. 62005–A.)

This case involved an interstate shipment of evaporated apples that contained excessive moisture.

On December 10, 1934, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Rosenberg Bros. & Co., a corporation, San Francisco, Calif., charging shipment by said corporation in violation of the Food and Drugs Act, on or about February 13, 1934, from the State of California into the State of Texas of a quantity of evaporated apples that were adulterated and misbranded. The article was labeled: "25 Lbs. Net Weight Magnolia Brand Extra Choice Evaporated Apples Distributed by Rosenberg Bros. & Co. California, U. S. A. Grown and Packed in the U. S. A. Prepared with Sulphur Dioxide."

The article was alleged to be adulterated in that a substance, namely, apples containing excessive moisture, i. e., apples insufficiently evaporated, had been substituted for evaporated apples, which the article purported to be.

The article was alleged to be misbranded in that the statement "Evaporated Apples", borne on the label, was false and misleading, and in that by reason of said statement the article was labeled so as to deceive and mislead the purchaser, since it represented that the article was evaporated apples: whereas, in fact, the article was not evaporated apples, but was apples containing excessive moisture, i. e., apples insufficiently evaporated.

On April 9, 1936, a plea of guilty was entered on behalf of the defendant corporation, and the court imposed a fine of $200.

M. L. Wilson, *Acting Secretary of Agriculture.*

114546—37——1

25953. Adulteration and misbranding of whisky. U. S. v. 1,020 Cases of Whisky. Consent decree of condemnation and forfeiture. Product delivered to the Collector of Customs, New York, N. Y. (F. & D. no. 34380. Sample nos. 23954–B, 30230–B, 30231–B.)

This case was based upon the importation into the United States from a foreign country of a quantity of an article represented to be straight whisky, which was alcohol artificially colored with caramel.

On February 25, 1935, the United States attorney for the Southern District of New York filed a libel in the district court praying seizure and condemnation of 1,020 cases of so-called whisky at New York, N. Y., alleging that the article had been introduced and imported into the United States from the Islands of St. Pierre and Miquelon, possessions of France, on or about January 19 and February 16, 1934, and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article, contained in bottles, was labeled: "Straight Whiskey. The Whiskey without a Headache. Kentucky Bourbon. Trade-mark D. B. Co., Old Crow Bottled by Davis Brothers Co., Lexington, Ky. Contents One Quart. Davis Brothers & Co., Wholesale Dealers."

The article was alleged to be adulterated in that it was sold under a name recognized in the United States National Formulary and differed from the standard of strength, quality, and purity as determined by the test laid down in said National Formulary. The article was alleged to be further adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since the article was represented to be straight whisky; whereas in fact it was alcohol and caramel coloring.

The article was alleged to be misbranded in that the statement, "Straight Whiskey", borne on the label, was false and misleading, since it represented that the article was straight whisky, whereas in fact it was an imitation of straight whisky.

On December 24, 1935, Thomas Dixon, claimant, having admitted the allegations of the libel and having consented to a decree, a judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled. On June 17, 1936, provisions of said decree having not been complied with, it was ordered that the product be delivered to the collector of customs, New York, N. Y.

M. L. Wilson, *Acting Secretary of Agriculture.*

25954. Adulteration of canned turnip greens and canned mustard greens. U. S. v. 99 Cases of Turnip Greens and 24 Cases of Mustard Greens. Default decree of condemnation and destruction. (F. & D. nos. 35812, 35813. Sample nos. 10203–B, 10204–B.)

These cases involved canned turnip greens and canned mustard greens that contained worms and other extraneous filthy material.

On July 29, 1935, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court two libels, one praying seizure and condemnation of 99 cases of turnip greens, and the other, 24 cases of mustard greens at Tyler, Tex., alleging that the articles had been shipped in interstate commerce on or about June 6, 1935, by the Greathouse Canning Co., from Fayetteville, Ark., and that they were adulterated in violation of the Food and Drugs Act. The articles were labeled, "Valley Brand Turnip Greens Contents 1 Lb. 2 Ozs. Packed by Greathouse Canning Co. Fayetteville, Ark.", and "Mayfair Mustard Greens Contents 1 Lb. 2 Ozs. Packed for Central Canners Inc. Fayetteville, Ark", respectively.

The articles were alleged to be adulterated in that they consisted in whole or in part of filthy vegetable substances.

On December 26, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

25955. Misbranding of tomatoes. U. S. v. San Pat Vegetable Co. Trial to court. Judgment of guilty. Fine, $100. (F. & D. no. 35972. Sample no. 33151–B.)

This case involved an interstate shipment of tomatoes in lugs (crates), the quantity of the contents of which were less than that represented thereon.

On October 3, 1935, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the San Pat Vegetable Co., a corporation, Sinton, Tex., charging shipment by said corporation in violation of the Food and Drugs Act as amended, on or about May 27, 1935, from the State of Texas

into the State of Missouri, of a quantity of fresh tomatoes which were misbranded. The article, contained in lugs (crates), was labeled: "Net Weight, Not Less Than 30 Lbs. When packed [design showing St. Patrick holding a church building in left hand and with staff in right hand chasing snakes into the sea] San Pat Brand Tomatoes [design showing one red, ripe tomato and one-half of a red, ripe tomato] Packed and shipped by San Pat Vegetable Co. Sinton (San Patricio County) Texas."

The article was alleged to be misbranded in that the statement, "Net Weight Not Less Than 30 Lbs.", borne on the lugs, was false and misleading and in that by reason of said statement, the article was labeled so as to deceive and mislead the purchaser, since the statement represented that the lugs each contained 30 pounds net of the article; whereas, in fact, the lugs each contained less than 30 pounds net of the article. The article was alleged to be misbranded further in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity of the contents was less than 30 pounds, the quantity stated on the package.

On April 28, 1936, a jury having been waived, the case came on for trial before the court, and upon a judgment of guilty, the court imposed a fine of $100.

M. L. Wilson, *Acting Secretary of Agriculture.*

25956. Adulteration of confectionery. U. S. v. Morris Fineblum (M. Fineblum Candy & Tobacco Co., The Cedar Chest & Cabinet Cigar Co.). Pleas of guilty. Fine, $10. (F. & D. no. 35976. Sample nos. 54469–A, 54470–A.)

This case involved sale in the District of Columbia of a quantity of confectionery that contained spirituous liquor.

On October 24, 1935, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the police court of the District an information against Morris Fineblum, trading as the M. Fineblum Candy & Tobacco Co. and the Cedar Chest & Cabinet Cigar Co., Washington, D. C., charging sale by said defendant in the District of Columbia in violation of the Food and Drugs Act, on or about December 2 and 15, 1933, of a quantity of confectionery that was adulterated. The article was contained in boxes, labeled "Mademoiselle Modiste Confiseur Rue St. Honore Poids Net 500 Grammes", and each of a number of pieces of the article contained in each box was labeled, "Mlle. Modiste Rhum [or "Cognac", "Apricot", or "Benedictine"]."

The article was alleged to be adulterated in that it contained spirituous liquor.

On October 24, 1935, the defendant entered a plea of guilty and the court imposed a fine of $10.

M. L. Wilson, *Acting Secretary of Agriculture.*

25957. Misbranding of preserves, jam, jelly, and marmalade. U. S. v. Griggs, Cooper & Co. (Sanitary Food Manufacturing Co.). Plea of nolo contendere. Fine, $60. (F. & D. no. 36080. Sample nos. 35913–B, 35914–B, 35916–B to 35925–B, incl., 38451–B.)

This case involved interstate shipment of quantities of preserves, jam, jelly, and orange marmalade that were misbranded because the quantities of contents of the containers were less than the quantities represented on the labels.

On January 27, 1936, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Griggs, Cooper & Co., a corporation, trading as the Sanitary Food Manufacturing Co., St. Paul, Minn., charging shipment by said corporation in violation of the Food and Drugs Act as amended, on or about June 28, July 16, and July 27, 1935, from the State of Minnesota into the State of Colorado, of quantities of preserves, jam, jelly, and orange marmalade which were misbranded. The articles in the shipment of June 28, contained in tumblers and jars, were labeled in part, respectively: "Brown's J. S. B. * * * 14 Oz. Net Pure Blackberry [or "Peach" or "Red Raspberry"] Preserves [or "Concord Grape Jam"]"; and "Brown's J. S. B. * * * 1 Lb. Net Pure Seedless Red Raspberry Preserves." The articles in the shipment of July 16, contained in tumblers or jars, were labeled in part, respectively: "Brown's J. S. B. * * * 14 Oz. Net Pure Strawberry [or "Youngberry", "Red Cherry", "Blackberry", "Pineapple", "Red Raspberry", "Peach", "Loganberry", "Pine-Cot", or "Apricot"] Preserves [or "Concord Grape Jam"]";

"Brown's J. S. B. * * * 13½ Oz. Net Pure Blackberry [or "Transcendent Crabapple", "Concord Grape", "Strawberry", "Mint Flavored * * * Added Color", or "Red Currant"] Jelly"; "Brown's J. S. B. * * * 1 Lb. Net Pure Orange Marmalade." The articles in the shipment of July 27, contained in tumblers, were labeled in part, respectively: "Brown's J. S. B. * * * 14 Oz. Net Pure Apricot [or "Red Cherry", "Pineapple", or "Youngberry"] Preserves"; and "Brown's J. S. B. * * * 13½ Oz. Net Pure Black Raspberry Jelly." All were labeled: "Packed for The J. S. Brown Mercantile Co., Denver, Colo."

The articles described as "Blackberry Preserves", "Peach Preserves", "Red Raspberry Preserves", "Strawberry Preserves", "Youngberry Preserves", "Red Cherry Preserves", "Pineapple Preserves", "Loganberry Preserves", "Pine-Cot Preserves", "Apricot Preserves", and "Concord Grape Jam", were alleged to be misbranded in that the statement "14 Oz. Net", borne on the labels, was false and misleading, and in that by reason of said statement, the articles were labeled so as to deceive and mislead the purchaser, since said statement represented that the jars or tumblers each contained 14 ounces of the article described thereon; whereas, in fact, the jars or tumblers each contained less than 14 ounces of the article described thereon. Said articles were alleged to be misbranded further in that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity of the contents of each of the packages was less than 14 ounces, the quantity marked thereon.

The article described as "Seedless Red Raspberry Preserves" and "Orange Marmalade" were alleged to be misbranded in that the statement "1 Lb. Net", borne on the labels, was false and misleading and in that by reason of said statement, the articles were labeled so as to deceive and mislead the purchaser, since said statement represented that the jars or tumblers each contained 1 pound of the article described thereon; whereas, in fact, the jars or tumblers each contained less than 1 pound of the article described thereon. Said articles were alleged to be misbranded further in that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity of the contents of each of the packages was less than 1 pound, the quantity marked thereon.

The articles described as "Blackberry Jelly", "Transcendent Crabapple Jelly", "Concord Grape Jelly", "Strawberry Jelly", "Mint Flavored * * * Added Color Jelly", "Red Currant Jelly", and "Black Raspberry Jelly", were alleged to be misbranded in that the statement "13½ Oz. Net," (borne on the labels, was false and misleading and in that by reason of said statement, the articles were labeled so as to deceive and mislead the purchaser, since said statement represented that the jars or tumblers each contained 13½ ounces of the article described thereon; whereas, in fact, the jars or tumblers each contained less than 13½ ounces of the article described thereon. Said articles were alleged to be misbranded further in that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity of the contents of each of the packages was less than 13½ ounces, the quantity marked thereon.

On April 4, 1936, a plea of nolo contendere was entered on behalf of the defendant corporation, and the court imposed a fine of $60.

M. L. Wilson, *Acting Secretary of Agriculture.*

25958. Adulteration of canned salmon. U. S. v. New England Fish Co. Plea of guilty. Fine, $10 and costs. (F. & D. no. 36088. Sample nos. 40422–B, 40426–B, 40912–B, 40924–B.)

This case involved shipment of canned salmon that was in part decomposed.

On January 27, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the New England Fish Co., a corporation trading at Seattle, Wash., alleging that on or about July 6, 1935, the defendant had shipped from Cordova, Alaska, into the State of Washington, a quantity of canned salmon which was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in part of a decomposed animal substance.

On April 20, 1936, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of $10 and costs.

M. L. Wilson, *Acting Secretary of Agriculture.*

25959. Adulteration of cold-pack strawberries. U. S. v. 29 Barrels of Cold-Pack Strawberries. Consent decree of condemnation. Product released under bond; unfit portion destroyed and bond canceled. (F. & D. no. 36273. Sample no. 39776–B.)

This case involved an interstate shipment of cold-pack strawberries examination of which showed the presence of decomposed strawberries.

On September 10, 1935, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 29 barrels of cold-pack strawberries at Norfolk, Va., alleging that the article had been shipped in interstate commerce on or about August 2, 1935, by the C. H. Musselman Co., from Biglersville, Pa., and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On December 10, 1935, R. C. Teachey & Co., Inc., Norfolk, Va., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be disposed of as required by this Department. On May 14, 1936, the unfit berries having been separated from the product and destroyed, the bond was ordered canceled.

M. L. Wilson, *Acting Secretary of Agriculture.*

25960. Adulteration of cocoa. U. S. v. 35 Barrels of Cocoa, et al. Consent decrees of condemnation and destruction. (F. & D. nos. 36245, 36429. Sample nos. 42850–B, 42861–B, 43052–B.)

These cases involved interstate shipments of cocoa examination of which showed the presence of lead.

The United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court on August 28, 1935, a libel praying seizure and condemnation of 35 barrels of cocoa, and on September 27, 1935, a libel praying seizure and condemnation of 22 barrels of cocoa at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 23 and September 4, 1935, by United Chocolate Refiners, Inc., from Mansfield, Mass., and that it was adulterated in violation of the Food and Drugs Act. The barrels of the article were labeled in one case, "Highland Special E–1328 Liggett's Cocoa 200 Lbs. Net"; and in the other case, "Highland Special E–1328 Liggett's Cocoa 180 Lbs. Net."

The article was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, lead, which might have rendered it harmful to health.

On September 10, 1936, the Hudson Valley Pure Food Co., Inc., claimant, having consented to a decree, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

25961. Adulteration of ketchup. U. S. v. 98 Cases of Ketchup. Default decree of condemnation and destruction. (F. & D. no. 36421. Sample no. 24823–B.)

This case involved an interstate shipment of ketchup that contained worm debris.

On September 21, 1935, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 98 cases of ketchup at Beaumont, Tex., alleging that the article had been shipped in interstate commerce on or about February 28, 1935, by Kuner Empson Co., from Brighton, Colo., and that it was adulterated in violation of the Food and Drugs Act. The article, contained in bottles, was labeled in part: "Empson's Ketchup Contents 14 Oz. Avd. The Empson Packing Co. General Offices, Brighton, Colo., U. S. A."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On November 8, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

25962. Adulteration of canned salmon. U. S. v. 2,000 Cases of Pink Salmon. Consent decree for release of product under bond for segregation and destruction of unfit portion. (F. & D. no. 36459. Sample no. 45480–B.)

This case involved interstate shipments of canned salmon, examination of which showed the presence of decomposed salmon.

On October 9, 1935, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 2,000 cases of canned salmon at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about August 17, 19, and 20, 1935, by P. E. Harris & Co., from Seattle, Wash., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Double 'Q' Alaska Pink Salmon One Pound Net Distributed by P. E. Harris & Co. Seattle, Wash., U. S. A."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On October 19, 1935, P. E. Harris & Co., claimant, having filed its answer admitting that a portion of the product was adulterated as alleged in the libel, a decree was entered for the release of the product under bond conditioned that the unfit portion of the product be segregated and destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

25963. Adulteration of tomato catsup. U. S. v. 86 Cases of Tomato Catsup Default decree of condemnation and destruction. (F. & D. no. 36470. Sample no. 38506–B.)

This case involved shipments of tomato catsup that contained filth resulting from worm infestation.

On October 14, 1935, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 86 cases of tomato catsup at El Paso, Tex., and alleging that the article had been shipped in interstate commerce on or about October 13, 1934, January 7 and March 2, 1935, by the California Conserving Co., from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Red & White Brand Tomato Catsup * * * Red & White Corp'n., Distributors Buffalo, N. Y. U. S. A. San Francisco, Cal."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On June 11, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

25964. Misbranding of shortening. U. S. v. 30 Packages of Purola Shortening. Product released under bond for relabeling. (F. & D. no. 36522. Sample no. 35106–B.)

This case involved an interstate shipment of shortening that was represented as made from vegetable oil, when it was found to consist mostly of fish oil.

On October 21, 1935, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 packages of an article described as "Purola Shortening" at Douglas, Ariz., alleging that the article had been shipped in interstate commerce on or about September 27, 1935, by the Vegetable Oil Products Co., Inc., from Los Angeles, Calif., and that it was misbranded in violation of the Food and Drugs Act. The article was labeled: "Purola Shortening A Highly Refined, Dependable and Uniform Shortening for Cooking, Frying and Baking. Vegetable Oil Products Company, Inc. Los Angeles, Calif. Purola Shortening is Guaranteed to be Pure, Sweet, Wholesome, and to give Perfect Satisfaction * * *."

The article was alleged to be misbranded in that the statement, "Purola Shortening * * * Vegetable Oil Products Company, Inc.", appearing on the label, was misleading and tended to mislead the purchaser when applied to shortening made in part from fish oil.

On February 17, 1936, it was ordered that the property be released to Mike E. Simon, claimant, under a bond conditioned that the product would not be sold or otherwise disposed of contrary to law.

M. L. Wilson, *Acting Secretary of Agriculture.*

25965. Adulteration of quinces. U. S. v. 150 Bushels of Quinces. Decree of condemnation and forfeiture providing for release under bond for reconditioning. (F. & D. no. 36561. Sample no. 40240–B.)

This product contained arsenic and lead.

On October 17, 1935, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 150 bushels of quinces at Baltimore, Md., alleging that the article had been shipped in interstate commerce, on or about October 13, 1935, from Lockport, N. Y., to Baltimore, Md., and charging adulteration in violation of the Food and Drugs Act. Shipment was made by the American Fruit Growers, Inc., Lockport, N. Y. The article was labeled in part: (Basket) "Tip Top Quince."

Adulteration of the product was charged under the allegation that it contained added poisonous or deleterious ingredients, namely, arsenic and lead, which might have rendered it dangerous to health.

On October 22, 1935, the American Fruit Growers, Inc., having claimed the product, a decree of condemnation and forfeiture was entered providing for release of the product to the claimant for reconditioning, upon furnishing of bond in the sum of $400.

M. L. Wilson, *Acting Secretary of Agriculture.*

25966. Misbranding and alleged adulteration of preserves and jam. U. S. v. 1,005 Jars of Alleged Strawberry Preserves, et al. Default decrees of condemnation and forfeiture. (F. & D. nos. 36607, 36614, 36693, 37183. Sample nos. 43532–B, 43540–B, 43551–B, 43554–B, 43650–B, 44017–B to 44020–B, incl.)

These cases involved shipments of alleged preserves and jam that were deficient in fruit. Most of the varieties contained added pectin and some also contained added acid and water.

On November 6, November 14, December 2, 1935, and February 11, 1936, the United States attorney for the District of Rhode Island, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 10 cases and 2,919 jars of preserves and 753 jars of currant jam in part at Providence, R. I., and in part at West Warwick, R. I., and alleging that the articles had been shipped in interstate commerce between the dates of April 24 and December 12, 1935, by National Kream Co., Inc., from Brooklyn, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The articles were variously labeled in part: "National Pure Preserves Strawberry * * * Manufactured by National Kream Co., Inc., New York, N. Y."; "National Pure Preserves Strawberry [or "Peach", "Pineapple", "Raspberry", or "Currant Jam"] * * * National Foods, Inc. Brooklyn, N. Y."

The strawberry preserves were alleged to be adulterated in that a jellified mixture of water, sugar, pectin, and acid, with respect to one portion, a jellified mixture of water and sugar, with respect to another portion, and a mixture of sugar, acid, and pectin, with respect to the remainder, had been mixed and packed with the article so as to reduce and lower its quality and strength; in that mixtures of fruit and said substances containing less than the normal proportion of fruit had been substituted for preserves; and in that the article had been mixed in a manner whereby inferiority was concealed.

The currant jam was alleged to be adulterated in that a jellified mixture of water, sugar, and pectin had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality; and in that a mixture of fruit, sugar, water, and pectin containing less than the normal proportion of fruit had been substituted for jam; and the article had been mixed in a manner whereby inferiority was concealed.

The peach, pineapple, and raspberry preserves were alleged to be adulterated in that a mixture of sugar, acid, pectin, and water had been mixed and packed with the articles so as to reduce, lower, or injuriously affect their quality; in that an insufficiently concentrated mixture of fruit, sugar, acid, pectin, and water had been substituted for preserves; and that the articles had been mixed in a manner whereby inferiority was concealed.

The products were alleged to be misbranded in that the statements on the labels, "Pure Preserves Strawberry", "Pure Preserves Currant Jam", "Pure Strawberry", "Pure Peach", "Pure Pineapple", and "Pure Raspberry", were false and misleading and tended to deceive and mislead the purchaser; and

in that the articles were imitations of and offered for sale under the distinctive names of other articles.

On May 15, 1936, no claimant having appeared, judgments were entered finding the articles misbranded and ordering that they be condemned and forfeited to the United States.

M. L. WILSON, *Acting Secretary of Agriculture.*

25967. Misbranding of apple butter. U. S. v. 46 Cases of Apple Butter. Decree of condemnation. Product released under bond for relabeling. (F. & D. no. 36621. Sample no. 41286–B.)

This case involved an interstate shipment of apple butter the packages of which were short in weight.

On November 16, 1935, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 46 cases of apple butter at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about October 17, 1935, by Libby, McNeill & Libby, from Blue Island, Ill., and that it was misbranded in violation of the Food and Drugs Act. The article, contained in jars, was labeled: "Libby's Apple Butter Caramelized Sugar Added Net Weight 1 Lb. 10 Oz. Packed by Libby, McNeill & Libby Chicago Made in U. S. A."

The article was alleged to be misbranded in that the statement on the label, "Net Weight 1 Lb. 10 Oz.", was false and misleading and tended to deceive and mislead the purchaser; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On December 30, 1935, Libby, McNeill & Libby, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

25968. Misbranding and alleged adulteration of Kololiva. U. S. v. 2 Cans of Kleckner's Kololiva. Default decree of condemnation and destruction. (F. & D. no. 36650. Sample no. 43574–B.)

This product was labeled to convey the impression that it contained olive oil or a color derived from olive oil. Examination showed that it contained excessive lead and copper and an unpermitted color, but no olive oil or color derived from olive oil.

On November 21, 1935, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two cans of Kleckner's Kololiva at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about October 18, 1935, by David Kleckner & Son, Inc., from Brooklyn, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Kleckner's 2 kilo Kololiva Concentrated (paste) David Kleckner & Son, Inc. Importers and Manufacturers * * * Brooklyn, N. Y."

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, lead, copper, and unpermitted dye, which might have rendered it harmful to health.

The article was alleged to be misbranded in that the name of the product, "Kololiva", was misleading and tended to deceive and mislead the purchaser, since it suggested that the product contained olive oil or a color derived from olive oil.

On September 14, 1936, no claimant having appeared, judgment was entered finding the product misbranded and ordering that it be condemned and destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

25969. Misbranding of wine. U. S. v. 24 Cases, et al., of Wine. Decree of condemnation and forfeiture, with provision for release under bond for relabeling. (F. & D. no. 36662. Sample nos. 40057–B to 40060–B, incl.)

These products were sold as California wines of a high alcoholic content but in fact were light wines made in the State of New York. The quantity of the contents was not properly declared.

On November 25, 1935, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 122 cases of wines at Baltimore, Md., alleging that the articles had been shipped in interstate commerce, on or about October 23, 1935, by the United Food Stores, Inc., from Washington, D. C. The articles were variously labeled in part: (Bottles) "Valley Brand California Muscatel [or Sherry", "Port", or "Tokay"] Wine * * * Contents 22 Oz. Bottled by National Wholesale Liquor Co., Baltimore, Md."

Misbranding of the articles was charged (a) under the allegations that the word "California" appearing in the names of the articles was false and misleading and tended to deceive and mislead the purchaser when applied to products of the State of New York; (b) under the allegations that the names "Muscatel", "Sherry", "Tokay", and "Port" were false and misleading and tended to deceive and mislead the purchaser when applied to wines containing less than 14 percent of alcohol by volume, namely, 9.75 percent, 10.59 percent, 9.58 percent, and 12.34 percent, respectively; (c) under the allegation that the articles were food in package form and failed to bear plain and conspicuous statements of the quantity of the contents on the outside of the packages, since the statement "22 oz." was ambiguous.

On January 22, 1936, a claim having been entered for the property, judgment of condemnation was entered providing for release of the products to the claimant for relabeling.

M. L. Wilson, *Acting Secretary of Agriculture.*

25970. Adulteration of walnut meats. U. S. v. 30 Cartons of Walnut Meats. Default decree of condemnation and destruction. (F. & D. no. 36783. Sample nos. 34544–B, 34545–B.)

This case involved an interstate shipment of walnut meats which were wormy and moldy.

On December 11, 1935, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 cartons of walnut meats at Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce on or about November 27, 1935, by the Davis Nut Shelling Co., from Los Angeles, Calif., and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance, wormy and moldy walnut meats.

On March 21, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

25971. Misbranding and alleged adulteration of strawberry preserves and raspberry preserves. U. S. v. 12 Cases, et al., of Assorted Alleged Strawberry and Raspberry Preserves. Default decrees of condemnation and destruction. (F. & D. nos. 36802, 36852, 36891. Sample nos. 44109–B, 44110–B, 44116–B to 44119–B, incl., 44132–B, 44133–B.)

These cases involved three interstate shipments of so-called preserves. Examination showed that all were deficient in fruit and contained added water; all lots with one exception contained added pectin and some also contained added acid.

On December 18, 20, and 30, 1935, the United States attorney for the District of Rhode Island, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 43 cases and 32 cartons of so-called strawberry and raspberry preserves at Providence, R. I., alleging that the articles had been shipped in interstate commerce between the dates, September 25 and November 7, 1935, by the Ile de France Import Co., from Brooklyn, N. Y., and that they were adulterated and misbranded in violation of the Food and Drugs Act. The articles, contained in jars, were labeled: "Unexcelled Quality Net Wgt. 1 Lb." [or "Net Wgt. 2 Lbs."] Paramount Brand Pure Strawberry [or "Raspberry"] Preserves Ile de France Import Co. N. Y."

The libels alleged that portions of the strawberry and raspberry preserves were adulterated in that mixtures of sugar, water, and pectin had been mixed and packed with the articles so as to reduce, lower, or affect their quality; in that mixtures of fruit, sugar, pectin, and water containing less fruit than preserves had been substituted for preserves; and in that the articles had been

mixed in a manner whereby inferiority was concealed. The remainder of the strawberry preserves were alleged to be adulterated in that a mixture of sugar, acid, water, and pectin had been mixed and packed with the articles so as to reduce, lower, or affect its quality; in that a mixture of fruit, sugar, acid, pectin, and moisture containing less fruit than preserve had been substituted for preserve; and in that the article had been mixed in a manner whereby inferiority was concealed. The remainder of the raspberry preserves were alleged to be adulterated in that a mixture of sugar and water, one lot also containing added pectin, had been mixed with the article so as to reduce, lower, or affect its quality; (2) in that a mixture of fruit, sugar, and moisture containing less fruit than preserve and one lot also containing added pectin, had been substituted for preserve; and (3) in that the article had been mixed in a manner whereby inferiority was concealed.

The products were alleged to be misbranded in that the statements on the labels, "Pure Strawberry Preserves" or "Pure Raspberry Preserves", as the case might be, were false and misleading and tended to deceive and mislead the purchaser when applied to products resembling preserves, but which contained less fruit than preserves contain; and in that they were imitations and offered for sale under the distinctive names of other articles.

On May 6, 1936, no claimant having appeared, judgments were entered finding the products misbranded and ordering that they be condemned and destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

25972. Adulteration and misbranding of skim-milk powder. U. S. v. 6 Barrels of Alleged Skim Milk Powder. Default decree of condemnation and destruction. (F. & D. no. 36860. Sample no. 48805–B.)

This case involved skim-milk powder that was sour and decomposed.

On December 31, 1935, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six barrels, each containing 200 pounds of skim-milk powder at Augusta, Ga., alleging that the article had been shipped in interstate commerce on or about July 15, 1935, by the Brookhaven Creamery Co., from Brookhaven, Miss., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

The article was alleged to be misbranded in that it was offered for sale under the distinctive name of another article, namely, skim-milk powder.

On March 16, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

25973. Adulteration and misbranding of wine. U. S. v. 18 Barrels, 29 Barrels, 40 Barrels, 26 Barrels, 13 Barrels, and 41 Barrels of Wine. Consent decrees of condemnation. Products released under bond for relabeling. (F. & D. nos. 36890, 37086, 37087, 37138, 37149, 37150. Sample nos. 36214–B, 51161–B, 51167–B, 51168–B, 51170–B, 51171–B, 51172–B, 51176–B to 51186–B, incl.)

These cases involved interstate shipments of wines that were deficient in alcohol or artificially colored, or both.

The United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the district court on December 27, 1935, a libel praying seizure and condemnation of 18 barrels of wine; on January 20, 1936, one libel praying seizure and condemnation of 29 barrels of wine, and another praying seizure and condemnation of 40 barrels of wine; on January 30, 1936, a libel praying seizure and condemnation of 26 barrels of wine; on February 4, 1936, one libel praying seizure and condemnation of 13 barrels of wine, and another praying seizure and condemnation of 41 barrels of wine at Baltimore, Md., alleging, respectively, that the articles had been shipped in interstate commerce on or about August 23 and 29, November 1, 11, 12, 18, 19, 22, and 24, 1935, December 5, 7, 9, 13, 14, 16, 17, 21, 23, and 24, 1935, and January 3, 1936, by Geffen Industries, from Long Island City, N. Y., and that they were adulterated or misbranded, or both, in violation of the Food and Drugs Act.

In one lot the wine was labeled in part: "Geffen Industries Long Island City, N. Y. Blackberry Type Wine * * * Kind of Wine Amer. Blackberry Type Alcoholic Contents Not over 14%." Said article was alleged to be adul-

terated in that an artificially colored mixture of alcohol and water containing tartaric acid had been substituted for blackberry-type wine, and in that the article was mixed and colored whereby inferiority was concealed. Said article was alleged to be misbranded in that the statements, "Blackberry Type * * * Alcoholic Contents Not Over 14%", were false and misleading and tended to deceive and mislead the purchaser when applied to an artificially colored mixture of alcohol and water containing tartaric acid and 11.7 percent of alcohol, and in that the article was an imitation of and offered for sale under the distinctive name of another article.

The wine in a certain other lot was labeled in part: "Geffen Industries Long Island City, N. Y. Amer. (or NYS) Blackber Type * * * Kind of Wine Amer. Blackber Type Alcoholic Contents 14%." Said article was alleged to be adulterated in that an artificially colored grape wine, deficient in alcohol, had been substituted for blackberry-type wine. Said article was alleged to be misbranded in that the statement on the label, "Blackber Type * * * Alcoholic Contents 14%", was false and misleading and tended to deceive and mislead the purchaser when applied to wine containing less than 14 percent of alcohol; and in that it was an imitation of and offered for sale under the distinctive name of another article.

The wines in certain other lots were labeled in part: "Geffen Industries Long Island City, N. Y. Amer. (or NYS) Port Wine * * * Kind of Wine Port Alcoholic Contents Not Over 14%"; "Geffen Industries Long Island City, N. Y. Amer. (or NYS) Sherry Wine * * * Kind of Wine Sherry Alcoholic Contents Not Over 14%"; "Geffen Industries Long Island City, N. Y. Amer. (or NYS) Muscatel Wine * * * Kind of Wine Muscatel Alcoholic Contents Not Over 14%"; "Geffen Industries Long Island City, N. Y. Amer. (or NYS) Tokay Wine * * * Kind of Wine Tokay Alcoholic Contents Not Over 14%." Said articles were alleged to be adulterated in that an artificially colored grape wine deficient in alcohol had been substituted for port, sherry, muscatel, and Tokay wines. Said articles were alleged to be misbranded in that the statement on the label, "Port", or "Sherry", "Muscatel", or "Tokay", as the case may have been, was false and misleading and tended to deceive and mislead the purchaser when applied to wine containing less than 14 percent of alcohol; and in that the articles were imitations of and offered for sale under the distinctive names of other articles.

The wines in certain other lots were labeled in part: "Geffen Industries Long Island City, N. Y. NYS Port Wine Kind of Wine NYS Port Alcoholic Contents Not Over 14%"; "Geffen Industries Long Island City, N. Y. NYS Sherry Wine Kind of Wine NYS Sherry Alcoholic Contents Not Over 14%"; "Geffen Industries Long Island City, N. Y. NYS Muscatel Wine Kind of Wine NYS Muscatel Alcoholic Contents Not Over 14%." Said article was alleged to be misbranded in that the names "Port", "Sherry", or "Muscatel", as the case may have been, were false and misleading and tended to deceive and mislead the purchaser when applied to wines containing less than 14 percent of alcohol by volume.

On February 14, June 8, and August 5 and 18, 1936, Geffen Industries, claimant, having admitted the allegations of the libels and having consented to decrees, judgments of condemnation were entered, and it was ordered that the products be released under bond conditioned that they be relabeled.

M. L. Wilson, *Acting Secretary of Agriculture.*

25974. Adulteration of canned peas. U. S. v. 806 Cans of Flavor Crest Peas. Consent decree of condemnation. Product released under bond for segregation and destruction of unfit portion. (F. & D. no. 36905. Sample no. 13915–B.)

This case involved an interstate shipment of canned peas which were in whole or in part infested with weevils.

On January 4, 1936, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 806 cases of canned peas at Havre, Mont., alleging that the article had been shipped in interstate commerce on or about July 15, 1935, by the Walla Walla Canning Co., from Walla Walla, Wash., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled: "Flavor Crest Peas Net Weight 1 Lb. 4 Oz. Packed by Walla Walla Canning Company Walla Walla, Washington Produce of U. S. A."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance, because it was weevil-infested.

On March 31, 1936, the Walla Walla Canning Co., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered, and the product was released under bond conditioned that the unfit portion be segregated and destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

25975. Adulteration of dried peaches. U. S. v. 600 Cases of Dried Peaches. Consent decree of condemnation. Product released under bond for reprocessing and reconditioning. (F. & D. no. 36911. Sample no. 46434–B.)

This case involved an interstate shipment of dried peaches that were dirty and infested with insects.

On January 2, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 600 cases of dried peaches at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about December 6, 1935, by Rosenberg Bros. & Co., from Oakland, Calif., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled: "Prepared with sulphur dioxide Varsity Brand California Fancy Recleaned Peaches Cured Fruit Association of California, San Francisco, Calif. 25 lbs. net."

The article was alleged to be adulterated in violation of the Food and Drugs Act, section 7, paragraph 6, which provides that an article of food shall be deemed adulterated if it consists in whole or in part of a filthy vegetable substance.

On February 27, 1936, Rosenberg Bros. & Co., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered and the product was released under bond conditioned that it be reprocessed and reconditioned.

M. L. WILSON, *Acting Secretary of Agriculture.*

25976. Adulteration of walnut meats. U. S. v. 20 Cases of Walnut Meats. Default decree of condemnation and destruction. (F. & D. no. 36928. Sample nos. 34550–B, 34551–B.)

This case involved an interstate shipment of walnut meats that were wormy and moldy.

On January 10, 1936, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 cases of walnut meats at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about December 13, 1935, by the Tacoma Grocery Co., from Tacoma, Wash., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled "Special" or "Standard."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On April 14, 1936, no claimant having appeared, judgment of condemnation and forfeiture was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

25977. Adulteration and misbranding of alfalfa leaf meal. Adulteration of alfalfa hay. U. S. v. Saunders Mills, Inc. Plea of guilty. Fine, $150 and costs. (F. & D. no. 36933. Sample nos. 8347–B, 39697–B.)

This case involved an interstate shipment of so-called alfalfa leaf meal that contained less crude protein and more crude fiber than was represented on the label; and an interstate shipment of alfalfa hay that consisted for the most part of alfalfa of grades inferior to "U. S. Grade No. 1 Alfalfa Hay", which the article purported to be.

On January 14, 1936, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Saunders Mills, a corporation, Toledo, Ohio, charging shipment by said corporation in violation of the Food and Drugs Act, on or about August 8, 1935, from the State of Ohio into the State of Maryland of a quantity of alfalfa leaf meal which was adulterated and misbranded; and on or about September 16, 1935, of a quantity of alfalfa hay which was adulterated.

The alfalfa leaf meal, contained in bags, was labeled in part: "Leaf Velvet Brand Alfalfa Meal 100 Pounds Net Manufactured by Saunders Mills, Inc. Toledo, Ohio Made Principally From Alfalfa Leaves Guaranteed Analysis Crude Protein, not less than 20.0 Per Cent * * * Crude Fibre, not more than 18.0 Per Cent." The alfalfa hay, in bales, was sold and shipped as "U. S. Grade No. 1."

The alfalfa leaf meal was alleged to be adulterated in that a substance, alfalfa meal containing less than 20 percent of crude protein and more than 18 percent of crude fiber, had been substituted for alfalfa leaf meal which the article purported to be.

The so-called alfalfa leaf meal was alleged to be misbranded in that the statements, "Alfalfa Meal Leaf", "Made Principally From Alfalfa Leaves", and "Guaranteed Analysis Crude Protein, not less than 20.0 Per Cent * * * Crude Fibre, not more than 18.0 Per Cent", borne on the label, were false and misleading, and in that by reason of said statements the article was labeled so as to deceive and mislead the purchaser, since said statements represented that the article was alfalfa leaf meal and that it contained not less than 20 percent of crude protein and not more than 18 percent of crude fiber; whereas in fact the article was not alfalfa leaf meal and it contained less than 20 percent of crude protein and more than 18 percent of crude fiber. The article was alleged to be misbranded further in that it was an imitation of another article, namely, alfalfa leaf meal, which the article purported to be.

The alfalfa hay was alleged to be adulterated in that substances, namely, U. S. grade No. 2 alfalfa and U. S. Sample grade alfalfa had been substituted in part for U. S. grade No. 1 alfalfa hay, which the article purported to be.

On April 20, 1936, a plea of guilty was entered on behalf of the defendant corporation, and the court imposed a fine of $150 and costs.

M. L. Wilson, *Acting Secretary of Agriculture.*

25978. Adulteration of canned salmon. U. S. v. Klawock Packing Co. Plea of guilty. Fine $10 and costs. (F. & D. no. 36936. Sample nos. 26565–B, 26567–B, 37881–B, 37893–B, 40878–B, 40888–B.)

This case involved interstate shipments of canned salmon that was decomposed.

On March 3, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Klawock Packing Co., a corporation, Seattle, Wash., charging shipment by said corporation in violation of the Food and Drugs Act on or about August 12, 20, and 31, 1935, from the Territory of Alaska into the State of Washington of quantities of canned salmon which was adulterated.

The article was alleged to be adulterated in that it consisted in part of a decomposed animal substance.

On April 18, 1936, a plea of guilty was entered on behalf of the defendant corporation, and the court imposed a fine of $10 and costs.

M. L. Wilson, *Acting Secretary of Agriculture.*

25979. Adulteration and misbranding of apple butter. U. S. v. Glaser, Crandell Co. Plea of guilty. Fine, $50 and costs. (F. & D. no. 37006. Sample no. 29729–B.)

This case involved a product that was represented to be apple butter, i. e., a product made from fresh apples, but which consisted of dried-apple butter. The product also contained evidences of insect infestation.

On April 23, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Glaser, Crandell Co., a corporation at Chicago, Ill., alleging that on or about August 2, 1935, the said defendant had shipped from the State of Illinois into the State of North Dakota a quantity of apple butter that was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: (Jar) "Our Family * * * Apple Butter, Packed for Nash-Finch Co., General Offices, Minneapolis, Minn."

The article was alleged to be adulterated in that it consisted in part of a filthy vegetable substance because of contamination by larvae, worms, and insect parts; in that dried-apple butter, a product made from evaporated apples, had been mixed and packed with said article so as to reduce, lower, and injuriously affect its quality; and in that the dried-apple butter had been substituted for apple butter, which the article purported to be.

The article was alleged to be misbranded in that the statement "apple butter", borne on the jars, was false and misleading and in that the statement was borne on the jars so as to deceive and mislead the purchaser, since it represented that the article was apple butter, i. e., a product made from fresh apples and the juice thereof; whereas the article had been made from dried or evaporated apples.

On May 7, 1936, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $50 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

25980. Misbranding of canned peas. U. S. v. 134 Cases of Canned Peas, and other cases. Decrees of condemnation. Portion of product released under bond to be relabeled; remainder destroyed. (F. & D. nos. 35496, 35601, 35639, 35640, 35679, 35839, 36692, 37099. Sample nos. 19398–B, 23135–B, 23136–B, 23137–B, 23148–B, 23198–B, 28922–B, 36381–B, 39588–B, 48570–B, 49692–B.)

These cases were based on interstate shipments of canned peas that fell below the standard established by the Department of Agriculture because the peas were not immature, as shown by the presence of an excessive proportion of ruptured peas that were not labeled to indicate that they were substandard.

On May 16, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 134 cases of canned peas at Fall River, Mass., and on and between June 13, 1935, and January 23, 1936, libels were similarly filed in other districts, praying seizure and condemnation of 997 cases of the product at Waterloo, Iowa; 2,673 cases at Cedar Rapids, Iowa; 48 cartons at Lewiston, Maine; 500 cases at Nashville, Tenn.; 1,137 cases at Kansas City, Mo.; 500 cases at Jersey City, N. J.; and 204 cases at Macon, Ga. It was alleged in the libels that the article had been shipped in interstate commerce between the dates of January 5 and November 2, 1935, by G. L. Webster Co., Inc., from Cheriton, Va., and that it was misbranded in violation of the Food and Drugs Act as amended. The shipments were made by the G. L. Webster Co., Inc. The article was labeled in part: "Park Hall Brand [or "Tower Hill Brand", Eyre Hall Brand", "Blue Dot Brand", or "Webster's"] Early June Peas * * * Packed by G. L. Webster Company Incorporated Cheriton Virginia."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the peas were not immature and the package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On June 21, September 4, 1935, and January 15, 1936, G. L. Webster Co., Inc., claimant, having admitted the allegations of the libels against the lots seized at Fall River, Mass., Kansas City, Mo., and Nashville, Tenn., and having consented to the entry of decrees, judgments of condemnation were entered, and it was ordered that the said lots be released under bond conditioned that they be relabeled. On September 24, 1935, the lots seized at Cedar Rapids, Iowa, were ordered released to the claimant, the G. L. Webster Co., Inc., under a bond conditioned that they be relabeled. On July 23, 1935, and January 21, February 27, and April 30, 1936, no claimant having appeared for the lots seized at Lewiston, Maine, Jersey City, N. J., Macon, Ga., and Waterloo, Iowa, decrees of condemnation were entered and it was ordered that they be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

25981. Adulteration and misbranding of preserves. U. S. v. 47 Cases of Assorted Alleged Preserves. Default decree of condemnation and forfeiture. (F. & D. no. 37111. Sample nos. 51403–B, 51405–B to 51408–B, incl.)

This case involved interstate shipments of so-called blackberry, peach, pineapple, strawberry, and raspberry preserves, all of which contained added acid and all of which, with the exception of the pineapple variety, were insufficiently concentrated and contained added pectin; the quantity of the contents of the packages of each of the several products was less than represented on the labels.

On January 27, 1936, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 47 cases of assorted alleged preserves at Washington, D. C., alleging that the articles had been shipped in interstate commerce

on or about November 20 and 29, 1935, from Front Royal, Va., by the Old Virginia Packing Co., Inc., and that they were adulterated and misbranded in violation of the Food and Drugs Act as amended. The articles, contained in jars, were labeled: "Net Weight 1 Pound, D. G. S. Brand Pure Blackberry [or "Peach", "Pineapple", "Strawberry", or "Raspberry"] Preserves Distributed by District Grocery Stores Washington, D. C."

All of the articles except the so-called "Pineapple Preserves" were alleged to be adulterated (1) in that water, added pectin, and acid had been mixed and packed with the articles, so as to reduce, lower, or injuriously affect their quality; (2) in that water, added pectin, and added acid had been substituted in part for the articles, respectively, and (3) in that water, added pectin, and added acid had been mixed with the articles, respectively, in a manner whereby inferiority was concealed. The so-called "Pineapple Preserves" were alleged to be adulterated (1) in that added acid had been mixed and packed with the article so as to reduce, lower, or injuriously affect its quality; (2) in that added acid had been substituted in part for the article; and (3) in that added acid had been mixed with the article in a manner whereby inferiority was concealed.

The articles were alleged to be misbranded (1) in that the statements on the label, "Pure Blackberry Preserves", "Pure Peach Preserves", "Pure Pineapple Preserves", "Pure Strawberry Preserves", or "Pure Raspberry Preserves", as the case might be, and "Net Weight 1 Pound", were false and misleading and tended to deceive and mislead the purchaser when applied to products of the composition found and to packages containing less than 1 pound thereof. The articles were alleged to be further misbranded in that they were imitations of and offered for sale under the distinctive names of other articles; and in that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On April 17, 1936, no claimant having appeared, judgment of condemnation was entered, and it was ordered that the products be disposed of in accordance with law.

M. L. Wilson, *Acting Secretary of Agriculture.*

25982. Adulteration and alleged misbranding of wine. U. S. v. 64 Bottles of Lombardi Blackberry Wine. Default decree of condemnation. Product delivered to Secretary of Treasury for disposal according to law. (F. & D. no. 37130. Sample no. 51173–B.)

This case involved interstate shipments of so-called blackberry wine which was artificially colored grape wine containing little or no blackberry flavor, and which contained less alcohol than the percentage thereof represented on the label.

On January 30, 1936, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of forty-six 1-gallon bottles and eighteen 1-quart bottles of so-called blackberry wine at Washington, D. C., alleging that the article was being offered for sale in the District of Columbia, and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Lombardi Blackberry Wine Alcoholic Contents 24–28 Proof * * * Bottled from tax paid packages by the Roma Wine & Liquor Co., Baltimore, Md."

The article was alleged to be adulterated in that an artificially colored grape wine containing little or no blackberry flavor had been substituted for blackberry wine, which the article purported to be; and in that the article was mixed and colored in a manner whereby inferiority was concealed.

The article was alleged to be misbranded in that the statement "Blackberry Wine * * * 24–28 Proof" was false and misleading and tended to deceive and mislead the purchaser when applied to an artificially colored grape wine containing little or no blackberry flavor, and containing 10.6 percent of alcohol by volume. The article was alleged to be misbranded further, in that it was an imitation of and was offered for sale under the distinctive name of another article.

On April 8, 1936, no claimant having appeared, a decree of condemnation finding the product adulterated was entered, and it was ordered that the product be delivered to the Secretary of the Treasury for disposal by him in accordance with law.

M. L. Wilson, *Acting Secretary of Agriculture.*

25983. Misbranding of vanilla extract. U. S. v. 456 Bottles and 960 Bottles of Vanilla Extract. Consent decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 37152, 37153. Sample nos. 45501–B, 45502–B, 53026–B, 53027–B.)

These cases involved vanilla extract that was short in volume.

On February 7, 1936, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,416 bottles of vanilla extract at Fort Benning, Ga., consigned on or about December 10 and 11, 1935, alleging that the article had been shipped in interstate commerce by Food Materials, Inc., from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Carton) "$1 Size 8 Fluid Ounces * * * Contents 8 fld. ozs."; (bottle) "Cook's Betty Smart * * * Contents 8 fld ozs. Pure Vanilla Extract * * * Cook's Food Products Chicago."

The article was alleged to be misbranded in that the statements on the labels, (carton) "8 Fluid Ounces", "contents 8 fld. ozs.", and (bottle) "Contents 8 fld. ozs.", were false and misleading and tended to deceive and mislead the purchaser since the packages contained less than 8 fluid ounces. The article was alleged further to be misbranded in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package because the quantity stated was not correct.

On June 9, 1936, Food Materials Corporation, claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered and the court ordered the product released under bond conditioned that it be relabeled under supervision of this Department.

M. L. Wilson, *Acting Secretary of Agriculture.*

25984. Adulteration of canned tomatoes. U. S. v. 935 Cases of Canned Tomatoes. Consent decree of condemnation. Product released under bond for reconditioning. (F. & D. no. 37162. Sample no. 49435–B.)

This case involved an interstate shipment of canned tomatoes that contained added water.

On February 5, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 935 cases of canned tomatoes at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 21, 1935, by A. W. Sisk & Son, from Cordova, Md., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled: "Dover Brand Tomatoes Contents 1 Lb. 12 Ozs. Packed by Harrison & Jarboe Sherwood Md."

The article was alleged to be adulterated in that water had been mixed and packed with the article so as to reduce, lower, or injuriously affect its quality or strength; and in that water had been substituted wholly or in part for the article.

On March 27, 1936, Harrison & Jarboe, claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that it be reconditioned.

M. L. Wilson, *Acting Secretary of Agriculture.*

25985. Adulteration and misbranding of canned mushrooms. U. S. v. 8 Cartons, 38 Cartons, and 10 Cartons of Canned Mushrooms. Default decrees of condemnation and destruction. (F. & D. nos. 37165, 37166, 37167. Sample nos. 53426–B, 53427–B, 53428–B.)

These cases involved interstate shipments of canned mushrooms that consisted of mushroom peelings and trimmings containing discolored and decomposed material.

On February 6, 1936, the United States attorney for the District of Oregon, acting upon reports by the Secretary of Agriculture, filed in the district court three libels praying seizure and condemnation of 56 cartons of canned mushrooms at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about December 24, 1935, and January 3, 1936, by the Great Western Mushroom Co., from Denver, Colo., and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article, contained in cans, was labeled: "4S Brand Mushrooms 8 oz. Net Drained Weight Slices and Stems for Sauces and Such. The Great Western Mushroom Company, Denver, Colorado."

The article was alleged to be adulterated (1) in that peelings and trimmings containing discolored and decomposed material had been mixed and packed with the article so as to reduce, lower, or injuriously affect its quality; (2) in that mushroom peelings and trimmings had been substituted for the article; and (3) in that it consisted in whole or in part of a decomposed or putrid vegetable substance. The article was alleged to be misbranded in that the statement on the label, "Slices and Stems", was false and misleading and tended to deceive and mislead the purchaser when applied to an article that did not consist of slices.

On April 13, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

25986. Misbranding of canned tomatoes. U. S. v. 600 Cases of Canned Tomatoes. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. no. 37172. Sample no. 59137-B.)

This case involved an interstate shipment of canned tomatoes that fell below the standard established by the Department of Agriculture, because the tomatoes were not normally colored, and they were not labeled to indicate that they were substandard.

On February 8, 1936, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 600 cases of canned tomatoes at Oklahoma City, Okla., alleging that the article had been shipped in interstate commerce on or about August 29, 30, and 31, 1935, by Chas. L. Diven, Inc., from Gentry, Ark., and that they were misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Cream of the Valley Brand Hand Picked Tomatoes Contents 1 Lb. 3 Oz. * * * Chas. L. Diven, Inc. Main Office Gentry, Ark."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, because the tomatoes were not normally colored, and its package or container did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On February 28, 1936, Chas. L. Diven, Inc., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that it be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

25987. Adulteration of canned tomato juice. U. S. v. 175 Cases of Canned Tomato Juice. Default decree of condemnation and destruction. (F. & D. no. 37178. Sample no. 52727-B.)

This case involved an interstate shipment of canned tomato juice that was found to contain excessive mold.

On February 10, 1936, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 175 cases of tomato juice at Des Moines, Iowa, alleging that the article had been shipped in interstate commerce on or about October 3, 1935, by the Robinson Canning Co., from Siloam Springs, Ark., and that it was adulterated in violation of the Food and Drugs Act. The article, contained in cans, was labeled: "King of Ozarks Brand Tomato Juice Contents 10 Fl. Oz. Packed by Robinson Canning Co. Robinson, Ark."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On April 18, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

25988. Adulteration of frozen raspberries. U. S. v. 125 Barrels of Frozen Raspberries. Consent decree of condemnation. Product ordered released under bond. (F. & D. no. 37180. Sample no. 43122-B.)

This case involved frozen raspberries that were in part worm- and insect-infested.

On February 10, 1936, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 125 barrels of frozen raspberries at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce, on or about December 13, 1935, by the National Packing Corporation, from Tacoma, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Cuthbert Raspberries * * * R. D. Bodle Co. Pier 4, Seattle, Washington."

The article was alleged to be adulterated in that it was worm- and insect-infested, and in that it consisted in whole or in part of a filthy vegetable substance.

On April 15, 1936, the R. D. Bodle Co., having appeared as claimant for the article and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that the unfit portion be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

25989. Adulteration of Brazil nuts. U. S. v. 26 Bags of Brazil Nuts. Consent decree of condemnation. Product released under bond for segregation and destruction of decomposed nuts. (F. & D. no. 37190. Sample nos. 41571-B, 41575-B.)

This case involved an interstate shipment of a quantity of Brazil nuts that contained moldy and rancid or decomposed nuts.

On February 13, 1936, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 26 bags of Brazil nuts at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about November 6, 1935, by W. R. Grace & Co., from New York, N. Y., and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On April 17, 1936, C. A. Pearson, Inc., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that the decomposed nuts be segregated and destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

25990. Adulteration of canned salmon. U. S. v. 354 Cases, et al., of Canned Salmon. Decrees of condemnation and forfeiture. Portion released under bond conditioned that decomposed salmon be destroyed. Remainder ordered destroyed unconditionally. (F. & D. nos. 37195, 37339. Sample nos. 29917-B, 50899-B, 50900-B, 50901-B.)

These cases involved shipments of canned salmon that was in part decomposed.

On February 25, 1936, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of three shipments involving 354, 488, and 656 cases, respectively, of canned salmon at New York, N. Y. On March 13, 1936, a libel was filed in the Northern District of Alabama against 118 cases of canned salmon at Birmingham, Ala. The libels alleged that the article had been shipped in interstate commerce on or about October 10 and December 21, 1935, from Seattle, Wash., by William W. McBride (William W. McBride Co.), and that it was adulterated in violation of the Food and Drugs Act. A portion of the article was labeled: "King's Taste Pink Salmon * * * Vacuum Packed for Lighthouse Packing Co. Point Roberts, Washington, U. S. A." The remainder was labeled: "Sprite Brand Select Pink Salmon * * * Farwest Fishermen, Inc., Seattle, Wash."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On May 29, 1936, William W. McBride, acting as agent for the Quality Seafood Packing Co. and for the Lighthouse Packing Co., claimants, respectively, in two proceedings involving 842 cases of the King's Taste brand seized at New York, N. Y., having admitted the allegations of the libels, judgments of condemnation were entered and the product involved in said proceedings was ordered released under bonds for segregation and destruction of the unfit portion. On May 29, 1936, an order having been entered providing for withdrawal of the claim in the remaining proceeding in New York, involving 656 cases of the King's Taste brand, judgment of condemnation was entered and it was ordered that the product involved in said proceeding be destroyed and that costs be taxed against the claimant, William W.

McBride. On April 24, 1936, no claim having been filed for the lot seized at Birmingham, Ala., judgment of condemnation, forfeiture, and destruction was entered.

M. L. Wilson, *Acting Secretary of Agriculture.*

25991. Adulteration and alleged misbranding of tomato juice. U. S. v. 15 and 14 Cases of Tomato Juice. Default decree of destruction. (F. & D. no. 37201. Sample nos. 52829–B, 52830–B.)

This case involved a shipment of tomato juice that contained excessive mold and a part of which was short in volume.

On February 17, 1936, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 29 cases of tomato juice at Joplin, Mo., alleging that the article had been shipped in interstate commerce on or about January 16, 1936, by the Robinson Canning Co., from Siloam Springs, Ark., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. A portion of the article was labeled, (can) "Siloam Brand Tomato Juice Contents 1 Pt. 2 Fl. Oz. Packed by Robinson Canning Co. Siloam Springs, Ark."; the remainder was labeled, (can) "King of Ozarks Brand Contents 10 Fl. Oz. Tomato Juice Packed by Robinson Canning Co., Robinson, Ark."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

The product labeled "King of Ozarks Brand" was alleged to be misbranded in that the statement on the label, "Contents 10 Fl. Oz., was false and misleading and tended to deceive and mislead the purchaser when applied to a product in cans containing less than 10 fluid ounces; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On June 10, 1936, no claimant having appeared, the court found the article adulterated and ordered that it be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

25992. Adulteration and misbranding of tomato juice. U. S. v. 245 Cases of Tomato Juice. Default decree of condemnation and destruction. (F. & D. no. 37203. Sample no. 59141–B.)

This case involved an interstate shipment of canned tomato juice that was found to contain mold and to be in part decomposed.

On or about February 18, 1936, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 245 cases of canned tomato juice at Oklahoma City, Okla., alleging that the article had been shipped in interstate commerce on or about September 26 and November 19, 1935, by the Nelson Packing Co., from Springdale, Ark., and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled: "First Pick Juice of Tomatoes 1 Pt. 2 Fl. Oz. Packed for Carroll, Brough & Robinson", or "First Pick Brand Juice of Fancy Tomatoes Contents 1 Pt. 2 Fl. Oz. Packed for Carroll, Brough & Robinson."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance. The article was alleged to be misbranded in that the statement "Juice of Fancy Tomatoes", borne on the label, was false and misleading and tended to deceive and mislead the purchaser, since said juice was made from moldy tomatoes.

On April 3, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

25993. Adulteration and misbranding of jam. U. S. v. 24 Cases of Sweet-Um Assorted Jam. Default decree of condemnation and forfeiture. (F. & D. no. 37204. Sample nos. 62255–B to 62258–B, incl.)

This case involved a shipment of a product represented to be jam but which was deficient in fruit and contained added acid, pectin, and water.

On March 9, 1936, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 cases of a product labeled "Sweet-Um Assorted Jam" at Vicksburg, Miss., alleging that the article had been shipped in interstate commerce on or about January 20, 1936, by the

Bama Co., from Birmingham, Ala., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was invoiced and labeled on the case: "Sweet-Um Assorted Jam." The jars were labeled in part: "Sweet-Um * * * Mixture of Pectin—Sugar Syrup 45% Pineapple, [etc.] Jam 55% The Bama Co., Birmingham, Ala."

The article was alleged to be adulterated in that a mixture of sugar, acid, pectin, and water had been mixed and packed with the article so as to reduce, lower, or injuriously affect its quality; in that a mixture of fruit, sugar, acid, pectin, and water containing less fruit than jam had been substituted for jam; and in that a mixture of sugar, acid, pectin, and water had been mixed with the article in a manner whereby inferiority was concealed.

The article was alleged to be misbranded in that the statement on the shipping case, "Sweet-Um Assorted Jam", was false and misleading and tended to deceive and mislead the purchaser; and in that it was an imitation of and offered for sale under the distinctive name of another article, jam.

On May 23, 1936, no claimant having appeared, judgment of condemnation and forfeiture was entered and it was ordered that the article be disposed of as the law directs.

M. L. WILSON, *Acting Secretary of Agriculture.*

25994. Adulteration of chili pods. U. S. v. 24 Boxes of Chili Pods. Default decree of condemnation and destruction. (F. & D. no. 37215. Sample no. 59133–B.)

This case involved a shipment of chili pods that contained excessive arsenic.

On February 18, 1936, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 boxes of chili pods at Coffeyville, Kans., alleging that the article had been shipped in interstate commerce on or about October 19, 1935, by W. H. Booth & Co., from Santa Ana, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Booth's Keno Brand Mexican Chili Pods W. H. Booth Co. Inc., Santa Ana, Calif."

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, arsenic, which might have rendered it injurious to health.

On June 23, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

25995. Adulteration of chili pepper. U. S. v. 3 Barrels of Chili Pepper. Default decree of condemnation and destruction. (F. & D. no. 37218. Sample no. 41646–B.)

This case involved a shipment of chili pepper that contained an excessive amount of arsenic.

On February 17, 1936, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three barrels of chili pepper at San Antonio, Tex., alleging that the article had been shipped in interstate commerce on or about December 26, 1935, by the Western Warehouse Co. for the account of C. L. Prats Chili Co., from Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Net Two Hundred Apache Brand Chili Pepper Scobey Storage Co., San Antonio, Texas."

The article was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, arsenic, which rendered the product injurious to health.

On June 2, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

25996. Misbranding of shelled pecans. U. S. v. 18 Cases of Shelled Pecans. Default decree of forfeiture and destruction. (F. & D. no. 37220. Sample no. 43861–B.)

This case involved shelled pecans contained in a package that had a cardboard false bottom. The net weight was inconspicuously declared on the side of the package and was partly obscured by a ribbon.

On February 19, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 18 cases of shelled pecans at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about January 17, 1936, by the Southland Pecan Co., Inc., from Columbus, Ga., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Sticker on one side of package) "Fresh Gold Medal Shelled Nuts Net Wt. 6 oz. when packed Southland Pecan Co. Inc. Columbus, Ga., U. S. A."

The article was alleged to be misbranded in that its package bore a device, namely, a cardboard false bottom, which was misleading in that the package did not contain the quantity of food it purported to contain; and in that the article was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package.

On June 29, 1936, no claimant having appeared, judgment of forfeiture was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

25997. Adulteration of apple butter. U. S. v. 15 Cases of Apple Butter. Default decree of condemnation and destruction. (F. & D. no. 37222. Sample no. 32466–B.)

This case involved a shipment of apple butter that contained an added poisonous or deleterious ingredient, lead.

On February 18, 1936, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cases of apple butter at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about January 18, 1936, by the American Syrup & Sorghum Co., from St. Louis, Mo., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Country Club Brand Apple Butter."

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

On June 3, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

25998. Adulteration of apple butter. U. S. v. 24 Cases, 106 Cases, and 18 Cases of Apple Butter. (F. & D. no. 37225. Sample nos. 52718–B, 52734–B, 52744–B.)

This case involved interstate shipments of apple butter that was found to contain excessive lead.

On February 19, 1936, the United States attorney for the Southern District of Iowa filed in the district court a libel, and on April 6, 1936, an amendment thereto, said libel as amended praying seizure and condemnation of one lot of 24 cases, a second lot of 106 cases, and a third lot of 18 cases of apple butter, at Des Moines, Iowa, alleging that the article had been shipped in interstate commerce on or about November 23 and 29 and December 7, 1935, by the National Tea Co., from Chicago, Ill., and that it was adulterated in violation of the Food and Drugs Act. The article in the first lot above referred to, contained in jars, was labeled: "Hazel Brand Pure Apple Butter Net Weight 2 lbs. 6 oz. Prepared with evaporated Fruit Distributed by Geo. Rasmussen Co. Quality Grocers Chicago, Minneapolis, Milwaukee, Des Moines." The article in the second lot above referred to, contained in jars, was labeled: "Hazel Brand Pure Apple Butter Net Weight 2 lbs. 6 oz. Prepared with Evaporated Fruit Distributed by Geo. Rasmussen Co. Quality Grocers Chicago, Minneapolis, Milwaukee, Des. Moines." The article in the third lot above referred to, contained in 14-ounce jars, was labeled: "Hazel Brand Apple Butter Prepared with Evaporated Fruit Sterling Products Co. Inc. Chicago, Ill."

The article in each of the three lots was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, lead, which might have rendered it injurious to health.

On or about April 25, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

25999. Misbranding of assorted dried fruit. U. S. v. 887 Packages of Assorted Dried Fruit. Default decree of condemnation. Product disposed of for relief and charitable purposes. (F. & D. no. 37230. Sample no. 43862–B.)

This case involved shipment of assorted dried fruit that contained added sulphur dioxide, the declaration of which was practically illegible.

On February 24, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 887 packages of assorted dried fruit at South Boston, Mass., alleging that the article had been shipped in interstate commerce on or about January 17, 1936, by the Prince Dried Fruit Co., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "New Crop Selected Fruit. Prince Dried Fruit Co., New York * * * Sulphur Dioxide."

The article was alleged to be misbranded in that it was labeled or branded so as to deceive and mislead the purchaser in that the declaration of the presence of added sulphur dioxide was made inconspicuously on the bottom of the package with an illegible rubber-stamp impression.

On May 4, 1936, no claimant having appeared, judgment of condemnation was entered, and it was ordered that the product be disposed of for relief and charitable purposes.

M. L. Wilson, *Acting Secretary of Agriculture.*

26000. Adulteration of butter. U. S. v. 38 Tubs of Butter. Default decree of condemnation and destruction. (F. & D. no. 37243. Sample no. 42628–B.)

This case involved a product made principally from cottonseed oil, colored with coal-tar color, that was sold as butter.

On January 29, 1936, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 38 tubs of butter at Jersey City, N. J., alleging that on or about May 3 and May 4, 1934, the article had been delivered for shipment by the Seaboard Terminal & Refrigeration Co., of Jersey City, N. J., to the truck of Carl Ahlers, Inc., of New York, that it was returned via truck of M. Rosner, by Carl Ahlers, Inc., to the said Seaboard Terminal & Refrigeration Co., Jersey City, N. J., on or about May 8, 1934, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product consisting wholly or in part of a hydrogenated cottonseed oil, colored with coal-tar color in a manner whereby damage or inferiority was concealed, had been substituted wholly or in part for the article.

On May 7, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

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